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PIONEER LAWMAKERS ASSOCIATION

BY DAVID C. MOTT, Secretary

The Twenty-first session of the Pioneer Lawmakers' Association of Iowa met in the Portrait Gallery of the Historical, Memorial and Art Department, Des Moines, on February 13, 1929. Owing to the death of the president, H. W. Byers, the vice president, George W. Clarke, presided. Invocation was offered by Rev. Charles Blanchard of the Christian church, at present a research worker in the Historical Department. Justice Truman S. Stevens then delivered an address of welcome in which he spoke of the progress and growth of legislation as viewed from the bench. He said he had often thought he would greatly enjoy a term in the legislature for the experience and pleasure of it as well as to bear his part of the burden. His address was greatly appreciated by the members of the association and we regret we are unable to give the complete text here. It was responded to by former Representative Van Houten.

RESPONSE TO ADDRESS OF WELCOME

By GEORGE H. VAN HOUTEN

Mr. President and Members of Pioneer Lawmakers' Association: I am sure we appreciate the kindly words of welcome of Judge Stevens, not only as to the welcome extended but also we are appreciative of the remarks made.

It is pleasant to receive the words of commendation he has given, for they are in contrast to denunciations of many people and some of the papers, especially the daily papers, for they insist that too many laws are on the statute books and that laws should be repealed, rather than more laws enacted. Some go so far as to say that each legislator should be empowered to repeal at least one law, and yet laws for repeal are not singled out, but such papers criticise unsparingly; and yet in most cases such papers have certain pet measures that they insist should be enacted into laws, and seem very anxious and earnest that legislators should pay attention to the measures advocated.

But we as legislators in the past are not the only ones that are held

up for criticism; our courts come in for a share of denunciation, and often harsh criticisms are heard. The courts are blamed for the nonenforcement of laws and many cases are cited where criminals or those accused of crimes are allowed to escape. There may be technicalities and other instances where the accused are allowed to escape punishment for crimes committed, and yet we seldom hear criticisms while the cases are pending and immediately after the rulings are made, but only after the trial is over and the jury fails to convict.

I apprehend that the courts are not always to blame, for there may be cases where verdicts of guilty should be rendered, where no decisions are made, and possibly lack of conviction is not due to the court. Let me give the result of a discussion recently heard that will illustrate my point: A gentleman that I did not know, was airing his views and in positive and persistent language and often repeated, said that he would under no circumstance bring in a verdict of guilty on circumstantial evidence. When we consider that premeditated murders are seldom committed before would-be witnesses, it is easily seen that a criminal would escape with such a juror as this. And again, often where robbery is committed the criminal kills the victim, in which case there usually would be only circumstantial evidence. Many of our worst highwaymen go on the theory that "dead men tell no tales," and frequently in such cases only circumstantial evidence can be produced.

A woman was present and combatted this theory of only convicting on circumstantial evidence, but she asserted that she would not give a verdict of guilty if it should be in the power of the judge to give the death penalty, and upon being questioned asserted that she would do anything under God's heaven to prevent the death penalty. Now, with either of those people on the jury there would be little chance for conviction, especially if the accusation was murder, for there would be at least one who would demand living witnesses, and another that would insist that some other verdict than murder should be meted out. And besides that, there are others who feel the same way, and it is easy to contend that there is "a reasonable doubt," in most cases. So it seems to me that our courts are not to blame in all cases where criminals are not convicted.

Again, we hear comparisons made as between our country and foreign lands, where, it is asserted, criminals are convicted and order prevails. It may be that such critics have seen more of foreign lands than have I, but in my observations the comparisons are unjust. I agree that some things forbidden by law here are permitted in some countries. In some of the countries recently visited, there is hardly room for comparisons, and yet there are chances for contrasts.

Of all the countries of the Old World, it seems to me that England comes the nearest in laws and customs to our own country. England is by some considered the "Mother Country," and from which our language, laws and customs came. Now let us consider the difference between the United States and England; Here we have prohibition—at least the

Constitutional Amendment and the Volstead Act, and the people approve, and, as I believe, in most places the law is enforced. It has been my privilege to have crossed the continent since prohibition came and visited many portions, and I believe that in most places the law is as well enforced as some other laws about which there is no dispute.

But now let us consider England: There is the open saloon, or the bars as they are called, and almost invariably kept by young women, and any suggestion of prohibition there brings forth the active protest that it would throw thousands of young women out of employment. Of course, if we, like England, had no law against the sale of intoxicating liquor, there would be no violation, and in few if any of the many countries visited in recent years in Europe, Asia and Africa, is drunkenness looked upon as in any way but the natural consequence of their system of liquor control.

I agree that men, women and children there can drink and get drunk without interference and at slight cost, and the jollier they are the better it seems to suit. But even in Europe there are some things worth remembering. At Potsdam I met an American, who stuck to me like a brother, and we went to Berlin, and he was bitter against American prohibition and said prohibition was a failure in the United States. He asserted that he lived in Chicago, and said that he had to go a mile and a half to get his beer, had to sneak in a back alley and enter a back door, pay fifty cents for a glass of beer and then run the risk of being poisoned. And he showed his preference for the Berlin method, for during our luncheon he drank five large steins of beer, and asserted that when he got to Paris he would get drunk. He extolled European methods, for they had no prohibition laws, and he said that at the Riviera one could get drunk for a small sum, could sleep in public and not be disturbed while sleeping off the drunk. Of course we could repeal our Eighteenth Amendment and Volstead Law and then we would have no violations of law so far as booze is concerned.

Again, in most countries recently visited, there are few automobiles, and their need for traffic laws are not as ours, and many other problems could be mentioned to illustrate the differences between our countries and conditions in the Old World. Take their problem of radios, for illustration, where there are few sending stations and under the strictest restrictions, and few receiving stations and even they under the most rigid restrictions. I agree that the poverty of the people there interferes with their desire to have automobiles and receiving sets, but especially in the matter of the radio, they are hampered by rules and regulations that are almost prohibitive, and yet some people seem to think that Americans are oppressed and terribly hampered by laws, while other countries are free from impositions of law.

I assert, and from a visit to most of the countries of Europe, West Asia and Northern Africa, and under conditions favorable for investigations, that in none of them are conditions ideal, as some would have

us believe, but on the contrary in none of them are conditions as favorable and conducive to prosperity and happiness as in the United States.

It is true that we have more laws, for we have a higher and better civilization, and greater prosperity, and so I give my hearty approval to the work that we did in the past, and believe that the present legislature is well qualified to legislate for the people of Iowa. They have had better opportunities for education and information than did we of a former generation, and I believe are better fitted for legislative work than were we. We did the best we knew. We may have made mistakes, and possibly we did, but we acted from conscientious motives, and I believe that the present legislature is fitted for the work before it, and am confident that they will do their work faithfully and well.

ADDRESS OF THE PRESIDENT

By GEORGE W. CLARKE

I find that it was something more than twenty years ago that in an address at the State Fair Grounds I heard a distinguished speaker and lecturer, a widely known Iowan, say that the day of the pioneer in Iowa was past and that soon the last of the pioneers would be gone. Yet here we have today, twenty years after, a meeting of the Pioneer Lawmakers' Association of Iowa, very much alive, I shall assume, and having a provision in its constitution for its continual rejuvenation, which, if acted upon, insures its immortality. The Association to live its immortal life has only to have a seasonal influx of pioneers, and this has constitutional guaranty by the immortal state of Iowa in biennial sessions of the General Assembly, provided only the lawmaker, escaping the wrath of his constituents, survives his service through the dangers to which all flesh is heir, and surgical operations, for twenty years. All expectancies of life figured out by all the great insurance companies of America and Europe unite in the opinion that the influx, biennially, will be entirely sufficient to insure the immortality of the Association and of the individual pioneer. That the experience of the Association coincides with the mathematical conclusion of the companies is shown by the fact that the influx of eligible pioneers at this moment is at least forty-five. If, however, at any time through the unending cycle of years there should be danger of expiration of the Association for want of eligible, dyed-in-the-wool lawmakers, there yet remains a source of immortal eligibles consisting of all former "state officers, senators, and representatives in Congress from Iowa, United States supreme, circuit, and district judges, state boards of education, judges and district attorneys" and others, or such of them as survive the unforeseen, but inevitable risks and dangers to physical existence for a period of twenty years. They would all, of course, become pioneer lawmakers by adoption—the Association then combining in its personnel at once all the dignity, learning and rich and most highly valued experience coming from making, administering and interpreting the laws

of state and nation. The pioneer, then, has an immortality, individually and collectively in this Association, not in that he continues to make laws, but an immortality in what he has done; and that he has stood the criticism and test of at least twenty years; and this it appears, in considerable opinion, is what is meant by immortal life—immortality in deeds. This, then, is an Association of no ordinary kind. It is an Association of men selected after most careful and prayerful consideration by a free and intelligent people to serve them in the most responsible positions in their government, answering the public requirement and demand for men of the very highest grade of human stuff.

The distinguished speaker twenty some years ago at the Fair Grounds, then, seems to have been mistaken when he said the day of the pioneer is past and that the last of the pioneers would soon be gone. He, however, was evidently thinking of the early days in Iowa, rather of the first days. To be exact, however, these present days are first days in Iowa. Iowa will, for a long, long time to come still be young as years are counted in the life of states. He was thinking of cabins and sod houses far apart on the prairie. In the distance, in his imagination, he saw the smoke slowly rising from the chimney of the lonely home of the settler; he saw the covered wagon drawn by oxen, along the scarcely distinguishable trail; here and there he saw dark spots where the sod had been turned by the plow; he heard the call of the kildeer, the clear, sharp whistle of bobwhite, the sweet, plaintive notes of the meadow lark, the loud, clear song of the bobolink; he saw flocks of wild ducks hurrying by on nervous wing and flocks of wild geese in perfect alignment and exact level of height silently sweeping on, save now and then a distinct call from the leader; he saw the line of wild pigeons stretching for miles across the sky; he heard the oom-boom-boom-boo of the prairie chicken and at night the howl of the prairie wolf; he saw on the distant horizon the dark rising cloud and saw the keen flash of the lightning and heard the deep rumble of the distant thunder and thought of the terrific storms that once swept the prairies. All these things were vivid in his imagination and aroused his thought of the courage, the hardships, the persistency, the heroism of the men and women who subdued the wilderness, who first crossed these rivers, who, as the advance of a great coming host, established the first crude shelters for families, built the first rude schoolhouses, sang the first songs of praise ever heard in the land that had been waiting for them for thousands of years. The distinguished speaker on the State Fair Grounds seeing around him on every hand evidence of great wealth and inventive genius, reflected upon a great civilization stretching from ocean to ocean, and, calling in his imagination from primal things, said in effect, the days of the pioneer are gone forever, they belong in the vanished years and the last pioneer will soon pass into the history of a most remarkable epoch. "Old things have passed away, behold all things are made new." The men that laid the foundation of these states are entitled to all credit and highest praise.

But what of the twenty or twenty-five years since that address, carefully prepared, was delivered? Prior to that time, or at least, prior to fifty years ago, epochs or eras of time were estimated in long periods of years. The era of animal transportation reached over thousands of years, from the days when Abraham dozed before his tent in Ur of Chaldea to the steam railway. We have had in this country the covered-wagon era, the construction-of-railways era, we are in the midst of the inventive, the mechanical era.

Since the address referred to, we have entered upon and are well into the era of the wireless, telephone and telegraph communication, the era of the Diesel engine, the era of the automobile, the era of permanent highway and bridge building, the era of the navigation of the air, the era of mass production (let us hope we shall escape an era of mass destruction), the era of the submarine, the era of escape from the slow processes and hardships of many years gone by, the era of constant advancement through scientific research in all of our great institutions of learning and also sponsored by great corporate business organizations everywhere, the era of great organized research archaeologically in all parts of the earth, discovering everywhere man's existence on it and what he did multiplied thousands of years ago, the era of escape from dogmatic theology—all these and more in so brief a time and all of them have had their pioneers. None of them can enter into and become a part of our civilization without evoking some legislation as to their relation to each other and to conditions existing at the time of their advent. It always takes time for such to be settled into their just relations to the life of the people. Here and always will the pioneer lawmaker function. The pioneer has his place not alone in the covered wagon era as among the first in the wilderness or the vast open spaces of the prairies, but also in the van of our present rapidly advancing civilization. He is indeed a pioneer as he leads in fitting wise legislation to our more and more increasingly complex life. We have passed from the raw to a somewhat highly processed civilization. I think it may be said that civilization has advanced more, added more to life and satisfactory living, during the last fifty years than in the aggregate of all the centuries preceding. Man's task is with the world in the raw. He has but recently found it out and applied himself vigorously. Thousands are giving their lives in thousands of research laboratories. Archaeologists are in all the lands of the earth, sponsored and supplied with hundreds of thousands of dollars by wealthy men, to discover what life, man or other animal life, existed in former ages upon the earth and nowhere have they failed to find that man and animals existed, some many centuries ago, some millions of years ago, and evidences of their civilization or entire want of it. At the ends of the earth, daring the dangers, men are on expeditions of exploration, of discovery. Earth must give up some of her secrets, only some of them now, some of her possibilities. We have just found out that that is all the world is—just a magazine of inexhaustible possibilities. The cry is "Come on you pioneers of dis-

covery, come on you competent pioneer lawmakers to fit the discoveries from the laboratories, from the ends of the earth, fairly, justly into our highly complex modern life."

On reflection how infinitely wise does it seem that the world is just an infinite mass of possibilities. So far as the Infinite Mind is concerned it might just as well have been otherwise. But it seems to have been so ordered. Here is a possibility, take it and develop it. Electricity has been here with all its possibilities ever since the lightning flashed over Noah's ark. It had to wait thousands of years for a Franklin, an Edison and others. The law of gravitation always existed, but waited for a Newton. The properties of electricity might have been explained, it may be supposed, by the Divine Mind. So might the law of gravity. So might the power of compressed steam or air. But it was not. The coming and going of the seasons, the planetary system and the movements of the planets might have been explained, but they were not. Air waves and light waves and transmission of sound and thought instantaneously across vast stretches of land and sea might have been explained, but they were not. It just seems that not one thing was done for man that he was not or would eventually be able to do for himself. Think of it, and to illustrate: God never made an American beauty rose. All he did was to furnish the little insignificant, single-petaled rose, that grew wild by the ditches in the prairies by the pioneer homes. But in it was wondrous possibilities. It was for man to take it and develop the great American beauty rose. If he wanted different colors, yellow, pink, white, red, there were in it all the possibilities. Develop them. He never made the fine Jonathan apple or the delicious, or the bell-flower, or Rhode Island greening or any of the other fine apples. The most and best he did, it seems, was to give man the little, hard, sour, uninviting crab apple, which grew, after inexpressibly beautiful blossoming, on the little scraggly, rough-barked trees at the edge of the woods, and out of which our pioneer mothers and grandmothers made for us crab apple butter. The possibilities of all the others were in the despised crab apple. Develop them. It is up to you, O Man, if you are dissatisfied. All the possibilities are there. So with all other fruits and flowers and grains.

God did not create the great two-thousand-pound percheron horse, or the two-minute-mile trotter, or the beautiful Arabian steed. God's best horse was the little wild horse of the pampas and the plains. Again, the possibility of development. So with all our domestic animals. Given the possibility to develop. That is all. So throughout nature everywhere, an infinite storehouse of possibilities for something greater, better. What about man in such a world? Only this—that he too is a tremendous possibility. Can a greater cruelty be imagined than such a magazine of possibilities and a man without possibilities to discover and develop them? If it had not been so, man would have been of no consequence—could not have made progress. He would have been of flabby body and flabby mind. He would never have felt a single stir of ambition if

he had been fully advised of the possibilities of his world and all of them fully set in motion and the world handed over to him all fully developed and in full gear and running. How deadening. How applicable Hamlet's exclamation, "O God! How weary, stale, flat, and unprofitable all the uses of this world. Fie on 't! O fie! 'Tis an unweeded garden that grows to seed; things rank and gross in nature possess it solely." So it would have been. One of man's greatest propensities is to kick, to object, but he would not have had the ambition to do even that. He would have lost instantly that propensity and that lost, he would have been forever "without God and without hope in the world."

Wisdom and infinite goodness is instantly deducible from the stored possibilities and man to deal with them, himself with possibilities capable of almost infinite growth. But can he ever exhaust the world magazine of possibilities? Impossible! What unspeakable cruelty that would be to the far-off coming man. The world's work all done! No more discoveries, no more advancement! Who would want to live in that day? What inanity! Man in despair and utter hopelessness would utter Hamlet's cry and die. But no such cruelty to the coming man can be imagined however many million years in the future he may be. "Can man by searching find out God?" Can the finite grasp the infinite? Men of thousands of years ago, looking into the heavens, exclaimed, "Great and marvelous are thy works, Lord God Almighty!" Now, looking at the atom, comes the same exclamation.

So the world is an on-moving world, an unfolding, an emerging world. Man throughout all the ages has, little by little, been pushing back the darkness. He has been up against a solid wall of mystery gaining on it gradually, slightly. It is his mission. It is his inspiration.

So it will be even down to the last man. And the last man will have a "square deal." It will be for him to still further gain on the darkness, still further push on the emerging world. The prophet-poet, Tennyson, said eighty-five years ago:

"For I dipt into the future, far as human eye could see,
Saw the Vision of the world, and the wonder that would be,
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the nation's airy navies, grappling in the central blue.

* * * * *

"Knowledge comes, but wisdom lingers, and I linger on the shore,
And the individual withers, and the world is more and more.

* * * * *

"Yet I doubt not thro' the ages one increasing purpose runs,
And the thoughts of men are widen'd with the process of the suns.

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"O, I see the crescent promise of my spirit hath not set,
Ancient founts of inspiration, well thro' all my fancy yet."

And

"Far away beyond her myriad coming changes earth will be
Something other than the wildest modern guess of you and me."

And

"As we surpass our fathers' skill, our sons will shame our own,
A thousand things are hidden still, and not a hundred known."

And

"But if twenty million summers are stored in the sunlight still,
We are far from the noon of man, there is time for the race to grow.

* * * * *

In a hundred, a thousand winters? Ah what will *our* children be,
The men of a hundred thousand, a million summers away?"

And

"Man as yet is being made, and ere the crowning Age of ages,
Shall not aeon after aeon pass and touch him into shape?
All about him shadow still, but, while the races flower and fade,
Prophet eyes may catch a glory slowly gaining on the shade,
Till the peoples all are one and all their voices blend in choric
Hallelujah to the Maker 'It is finished. Man is made.'"

In all these coming changes, these coming ages, these things of the emerging world, there will be need of pilots, real pioneers and what multitudes of them there will be! No, the day of the pioneer is not past and the last one will not soon go. And pioneer lawmakers—how many, how many, indeed, there will be and how capable to wisely legislate through the coming years so as to adjust the myriad changes fairly and justly among the people of far away years!

No, I see no possibility that the Pioneer Lawmakers' Association of Iowa will expire for want of pioneers.

The Chair appointed as a committee on nomination of officers A. B. Funk, John C. DeMar, and Emory H. English. Adjournment was then made until afternoon.

The afternoon session convened at two o'clock when former Senator Thomas H. Smith delivered an address in memory of Howard Webster Byers.

ADDRESS IN MEMORY OF H. W. BYERS

By THOMAS H. SMITH

It was in the summer of 1878 that I first met H. W. Byers. He was then a country school-teacher, teaching in the vicinity of Shelby, Iowa, and had come to Harlan to attend a normal institute. I had just a short time before this located in Harlan for the practice of law. We were both young men and unmarried and became close personal friends,

which friendship continued up until the time of his death in 1928, a period of almost fifty years. I knew him later as a clerk, a merchant, a student of the law, and afterwards as a lawyer. He was married in our town and there he lived for many years where his family was reared. He was a man of a pleasing personality and attracted people to him. He was a good mixer, liked people, and delighted to mix and associate with them. He was a born leader and easily secured a following in anything he sought to promote or put across. He was industrious, energetic, and threw his whole soul into whatever he undertook and his sincerity and enthusiasm radiated from him and attracted people to him. He stood for the best things in life and in the community in which he lived, and when he did espouse a cause he did not simply align himself therewith to be counted, so to speak, but he contributed whatever force and influence he had to the furtherance of the cause. If he was ever known to flinch, give ground or back up, the record does not show it. He had the courage of his convictions and never hesitated to give utterance to them or to align himself in their support.

He was a progressive. He belonged to that school that believed that all the problems had not been solved by the sages of the past, but that each generation should contribute something toward the betterment of civilization and the uplift of humanity. Hence he was ever looking to the future for something for the advancement of civilization. He was a born fighter and was ever found in the front ranks on the firing line, battling for the things he believed in. He was a good sportsman—a cheerful loser as well as modest in victory. He was of a sympathetic nature and had an interest in humanity. Every child in the neighborhood knew him and to them he was "Webb." He always had a cheerful greeting for them and a sympathetic ear for their childish grievances. His home life was ideal and if you could have visited it as I have many times you would not have found any formality there but just a joyous, good-natured, happy family. Webb was interested in their games as well as their little grievances, and the children freely poured forth their childish incidents of the day to him and got an interested and sympathetic hearing.

Webb was unselfish in his nature and generous to a fault. I do not know what property he possessed at the time of his death, but whatever it was I have said it was because no friend or worthy person in need had asked him for it. For with these he would divide his last dollar.

As a legislator he was an outstanding character in the state of Iowa. And his influence and strength were given for the enactment of law for the public good. A public office he considered a public trust, and discharged his duties honestly, courageously, and to the best of his ability. As attorney general of this state he was not satisfied to sit down in his office and go through the usual routine therein, but claimed the right and felt it his duty to go out over the state wherever the interest of the public demanded it or the local official hesitated or failed to do his duty and assist or even take charge of the case and prosecute

it himself. This he did in many cases and without precedent in the state.

As a lawyer he was outstanding in the state of Iowa. I have seen men who I thought had a better grasp of the law than did Mr. Byers, but I have never seen a lawyer that was a better manager of a case than he. While he practised in our county for so many years I in many a case sat on the opposite side of the table from him, in fact more so than any of the other lawyers, and I can testify to his ability as an efficient attorney. He understood human nature and knew how facts would strike the ordinary man, and came nearer telling what a jury was going to do than any lawyer I ever knew. While as I have said other lawyers were better versed in the law itself, yet you wanted to be very careful if you sprang a law question on him that you did not make it too plain or he would grasp it and be ready to refute your position. He was what I called a good absorber. He was resourceful and could recover quickly when run in a corner.

Webb was sentimental and never forgot his old friends, associates, and the places where he had lived and familiarized himself with. As I have said he was married at Harlan, reared his family there, started in and developed as a lawyer and a man in that town, and to the day of his death he liked to consider Harlan as his home, and had a love for his old friends and associations and the memories of those days and often returned to mingle with them and view the old scenes. Only the summer before his death he told me of having driven with his wife back to Harlan and while there went over the old highways and visited the scenes of their younger days, and over to the town of Earling where he lived for a time in business, and told me what memories they awoke within him and how he was thrilled by it. It was not surprising to me then when I learned that he had expressed a wish, while on his deathbed and he knew that he must soon pass on, that he be buried in the Harlan cemetery and that he be taken there by auto over No. 7 leading from Des Moines to Harlan where he and his wife had so often passed in going to and fro between the two places. Today he lies buried in the Harlan cemetery overlooking the city where he had spent so many happy days and where he had reared his family and struggled and developed as a lawyer and statesman.

As I have said he was of a friendly disposition and got very close to his acquaintances. It was not long after meeting a person that he was calling him by his first name and with it he gave him such a friendly greeting. This was not done in a patronizing way but in a manner that made you feel that he was really your friend and that he had an interest in you. Then he was of that type and character that you did not hesitate to go to with any perplexing problem or trouble. You know there are times in almost everyone's life when he feels he must have someone to whom he can go and lay bare his soul and have a heart and heart talk together. Webb was one of those when you came to know him that you felt that you could go to and pour out your very soul in strict confidence and receive an interested and sympathetic hearing.

I have sometimes wondered just what it is that makes some men greater and stronger, bigger and different in their characteristics than others. I have concluded that it must be largely because of their environment, their associates, their habits of life, the things they do or what they read, or the time when they live, or some or all of these. But few men if any can become great within themselves; they must get out in the world, rub up against people, become saturated so to speak with the atmosphere of the time, read and study good literature and be active in the everyday life. You must come in contact with and rub up against people who know more than you do. Viewed in this light I think we can understand somewhat the characteristics of Webb Byers, some of which I have called to your attention, when we remember that he was born in 1856. This was in the pioneer days and before the election of Lincoln to the presidency, before the days of the rebellion and before the days of reconstruction. The country was but sparsely settled and everything was in the making; people had little to do with, and the many modern improvements and conveniences that we have and enjoy today and feel that we cannot get along without were not even dreamed of at that time.

I know not how his folks were fixed but being pioneers it can safely be said they were not handicapped by riches. Everybody was poor in those days, not poor in the sense that we speak of it today, when compared with the very rich, but everybody had little. This was their inspiration to labor and the basis of riches. We did not have the magnificent educational institutions we have today in the state. I doubt if there was a real college in the state of Iowa at that time, or if so there were very few. It was the day of the little red schoolhouse, and *McGuffey's Reader*—than which no better book was ever found in the curriculum of any school. In it was to be found the best of classics on patriotism, religion, morality, education, physiology, humor, and pathos and other phases concerning human life and from the very best of authors. I have no doubt that Webb in his boyhood days committed to memory at home and afterwards recited at school "Patrick Henry's Speech before the Virginia Convention," "Reinzi's Address to the Romans" and many of the classics to be found in the old *McGuffey's Fifth Reader*. No doubt many of the words he didn't understand nor grasp the thought at the time, but he had learned it, and ever afterwards it stayed with him, and in later years the meaning and beauty of it all took hold of him. We have no such literature in our schools today, but it is largely just a jingle of words meaning nothing and suggesting no thought worthy of retention.

He with the other boys and girls of the school walked to and fro and night and morning did the chores at home. He had no physical director, father and mother looking after that. Then think of being a boy and growing up in the atmosphere of those times with the rebellion coming on when everyone was a patriot and on his metal ready to fight for his country. No wonder Webb was a fighter. Living in those days

he could but absorb the patriotism and spirit of the times, all of which had to do with the moulding and developing of his character as I have tried to portray to you. These were the days of the great poets, Longfellow, Whittier, and the others, as the days of Horace Greeley, William Lloyd Garrison, Wendell Phillips, Stephen A. Douglas, Abraham Lincoln and the other great statesmen and patriots, and who could pass through those days without being affected thereby! He could but grasp and take unto himself somewhat of the spirit of the times. Then these days with their crudeness and with few things with which to do placed a man on his own resources as well as placed responsibility upon him. This could but develop the initiative and self reliance. It seems to me that in order to develop the best that there is in man he must have responsibility, and this was had in abundance in the early days. Then another thing and somewhat akin to this same thought—when he started out to practice law there were but few law books. At least in our town, and if there had been, the young attorney would not have had the wherewith to buy them. He had to think out the many intricate problems himself as well as fortify his position by arguments of his own initiative. This made him resourceful as well as a strong and original thinker. Not so today! You go into court, you must have some case to fortify your position, and woe to the attorney that has not found the case to sustain his contention! Questions arise on which no authority can be found, and if he should present it in court backed up by the best argument he can make he will be asked by the judge if he has any case to sustain that proposition, and being told not, the thing is passed up. It is not unusual under such circumstances to have the higher court say, "Counsel has presented a new and unique question and presented to the court a strong and vigorous argument in support thereof, but has cited no case to sustain his position, and the court after diligent search has been unable to find one in point," and the point is passed up undecided. You can't make lawyers and develop thinkers in that way.

Then when Webb started to practice in Harlan we had a very strong bar and it was so recognized throughout the state. Among them was Cyrus Beard, who for a number of years later was a judge in the Supreme Court of Wyoming and died a member of that court, George W. Cullison for a number of years a judge of the District Court of this state and was such at the time of his death, and Nathan W. Macy, who later served for twenty years as a judge of our District Court. A young lawyer such as Webb could not come in contact with such men as these and rub up against them in the trial court without absorbing some of their greatness and ability as lawyers. Then as I have said he had an ideal home life. He had a noble little wife—just such as you and I have. She had implicit confidence in Webb, believed in him and the things he stood for and sought to accomplish, and her faith and confidence could but be an inspiration and incentive to him in whatever he undertook. Do you know that everyone must have some one at least who believes in and has confidence in him if he ever accomplishes much. I

believe that a few of us appreciate the help that comes to us because of the good homes we have and the faith and confidence in us of the little woman who presides over the household.

Webb was past seventy-one years of age when he died but he was not an old man—a man never grows old until he arrives, so to speak, till he quits, ceases to have any interest in the things about him and is given over to the living in the past. Webb had not arrived. He took an interest in the everyday problems of life and was still contributing his talent and his efforts in trying to help solve them. He was like a man rising in the early morning with the sun and going forth to tackle the problems of the day. He was still looking to the future. Such a man never grows old.

But I have talked too long. The last time I saw Mr. Byers he came to Harlan on the invitation of the Harlan bar to give the memorial address for Judge Macy who had recently died in California. This was in the late summer of 1927. At its conclusion Webb came to me and said, "Tobe, they will be holding service of this kind for you and me one of these days and if I should go first I want you to make the address for me, and if you go first I will make it for you." In pursuance of that promise I made this address for him at Harlan and it was with appreciation that I received the invitation from your body to make the address here at this time.

With the passing of Mr. Byers, the last one of the old lawyers at Harlan of those early days, except J. R. Myerly, now at Spirit Lake, has passed to the beyond. I alone am left and when I think about it I feel much alone, much as does one who has passed over the brow of the hill and is far down on the western slope with the sun slowly sinking. Yet I have a philosophy of life, whether it be orthodox or not I do not know, that when our friends and loved ones pass away, that they are not far off—just around the corner in hailing distance—that their spirits ever hover around and about us to protect us, strengthen and sympathize with us in our trouble and sorrow. Edgar Guest has put the thought well in one of his poems found in one of his latest books, *Just Folks*, wherein he says:

"Our dead friends live and always will,
Their presence hovers round us still.
It seems to me they come to share,
Each joy and burden that we bear;
Among the living I can feel,
The sweet departed spirits steal,
And whether it be weal or woe,
I walk with those I used to know.
I can call them to my side,
When ever I am trouble tried.
I've but to wish for them, and they
Come gaily tripping down the way,

And I can tell them of my grief,
And in their presence find relief;
Thus in sacred memory here below,
Still live the friends of long ago."

Senator Smith's address was followed by remarks by Governor Clarke, A. B. Funk, H. T. Saberson, W. G. Kerr, E. C. Roach, G. M. Titus, J. O. Kasa, Thomas Geneva, and the reading of a letter from R. T. St. John by the secretary. The meeting was then turned over to Curator Edgar R. Harlan who spoke as follows:

ADDRESS OF EDGAR R. HARLAN

Charles Aldrich, in the beginning of this Portrait Division of the Historical, Memorial and Art Department of Iowa, and his successors ever since, have followed the doctrine of Thomas Carlyle to this effect, that the testimony of a sincere painter contributes to the appreciation by a historical student of persons of public interest as pen pictures of them often fail to do. So the installation of a portrait of a secretary of agriculture augments the sources of information concerning him, voluminous though they may be, elsewhere beneath this roof.

It is appropriate for me to indicate the contribution of our state to the Agricultural Department of our Federal Government. It was in the administration of Franklin Pierce that Charles Mason, whose portrait here confronts you, was placed in charge of the Bureau of Patents. It was then, as now, a bureau in the Department of Interior, but had among its functions the direction of what is now the Smithsonian Institution, the National Observatory, and other scientific work, including the germ of the Department of Agriculture.

We learn from the private papers of Charles Mason, on deposit elsewhere in this institution, that during his incumbency of the office of patent commissioner, he caused to be taken simultaneous observations of the weather at points remote from one another, then but recently possible with the telegraph. He caused or authorized many of the earliest agricultural experiments. He laid down certain fundamental principles which the Department of Agriculture practices to this day. At that time and ever since, there have been Iowa scientists of the first rank in the agricultural phases of the national government. From that time until this day there has been close contact and co-ordination between the agricultural officials and institutions at Washington, with our own Department of Agriculture and the college at Ames.

When the Bureau of Agriculture became a department with a place in the Cabinet of the president, Grover Cleveland in the last days of his first administration appointed as secretary of agriculture, Norman J. Colman of Missouri. Harrison appointed Jeremiah Rusk of Wisconsin. Cleveland in his second administration appointed J. Sterling Morton of

Nebraska. McKinley appointed James Wilson of Iowa, whom Roosevelt and Taft retained. Wilson first appointed David F. Houston of Missouri, whom Edwin T. Meredith succeeded. Henry C. Wallace of Iowa was the next secretary of agriculture in the Harding and Coolidge administrations. Secretary Jardine of Kansas succeeded Mr. Wallace. So the entire existence of the Department of Agriculture has been pre-
sided over by men of Iowa, or one of its neighboring states.

Here faces us the portrait of James Wilson. That of Henry C. Wallace is in existence, though not in our collections. Meredith's is the subject of importance to this assembly this afternoon.

I would speak in cordial satisfaction a welcome then, to you and to your guests, the family and business associates of our late distinguished citizen, Edwin T. Meredith. The address of the occasion will be given by one of your number, the friend of Mr. Meredith, former senator, John T. Clarkson.

EDWIN T. MEREDITH

By JOHN T. CLARKSON

When our forefathers and patriots of '76 proclaimed to the world the sound fundamental doctrine that man has "certain inalienable rights, among which are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed," the sage men of letters and statecraft in the Old World were moved to voice their opposition thereto, as the philosophy thus proclaimed was by them unknown and unthinkable.

It was said by one, regarded as an authority, that a government founded upon the basis of such philosophy could not long survive, nor could it develop men of character or quality. Let the record of over a century and a half be submitted as evidence in support of the soundness of the philosophy thus proclaimed. We find the names of Webster, Lincoln, Blaine, Cleveland, Roosevelt, Bryan, Wilson; and in our own state, Harlan, Allison, Kirkwood, Weaver, Cummins, Dolliver, Dodge, Young, the Wallaces, and the man whose portrait we present today, to be placed with a host of other valiant, patriotic, liberty-loving men, representative of a truly great people. These men stand out among their fellows, yet typify a standard made possible by popular government, where the best in man has an opportunity for development and expression.

In this environment and as a result thereof men have achieved fame and name in oratory, letters, statecraft, and business, but few if any stand out more conspicuously than E. T. Meredith.

Mr. Meredith was endowed with a wonderfully pleasing personality, a commanding presence, a keen intellect, and his ability to vigorously present and ably defend his convictions made him one of Iowa's outstanding figures in the many affairs of life, always the champion of what he believed to be the right in public and private affairs.

The people of Iowa learned to admire and love Meredith for his many qualities. He was a native of our beloved state, born and reared in the healthful environment of agriculture, to which he gave his best that it might advance and keep pace with other lines of endeavor. While thus engaged on a large scale he at the same time became a master mind in other lines of business and statecraft.

Having received the benefit of a common school education he sought to better prepare himself for his life's work at Highland Park College, in the city of Des Moines. Little could his fellows at Highland Park College have foreseen the useful life in the making.

While young Meredith was in school in Des Moines his grandfather, whom we knew as Uncle Thomas Meredith, owned and published a small newspaper devoted to the principles of government espoused by the Greenbackers, afterward known as the Populist party. The zeal, energy, active mind, and organizing ability of the young man was pressed into service by the owner, first as the handy man about the premises, then as bookkeeper, advertising manager, and finally in addition to his school work he was placed in management of the publication.

When he was married at nineteen years of age, Uncle Thomas Meredith gave to him, as a wedding present, the plant known as the *Farmer's Tribune*, which he sold within a few years, and the publication that became so large a part of his life was launched upon an uncharted sea. Here his genius for organization found expression, and his ability to handle the larger affairs of business, en masse, grew and grew, until *Successful Farming* became known throughout the nation, in every walk of life, and especially among those who endeavor to develop and keep agriculture on a high standard, and those engaged therein on the front rank of forward thinking, moral living, useful men and women of the world.

To *Successful Farming* he later added the publication known as *The Dairy Farmer*. Then came one of the proudest achievements of his life—the publication of *Better Homes and Gardens*. In this publication he gave expression to his very soul in his endeavor to inspire, aid, and assist in building and developing better homes; expressive of his realization that a people cannot become great, nor long endure as such, without a strong, energetic, and constructive love of home and home life, not merely in the ownership of the house alone, but all that goes with it to make the ideal "home" such as finds lodgment in the hearts and souls of the best men and women, expressing the love of the beautiful ideal, though it be but a humble cottage.

His active life was not devoted entirely to the happiness of the adult. He created a fund to be loaned to the young people upon the farms with which to buy a pig, a calf, a lamb, or a colt, in order to develop and encourage a love for animal life, and the spirit of thrift and usefulness in the business world. This act upon his part attracted the attention of men interested in the training of youth and became the

nucleus of a national organization for like purpose, which organization he served as an honored president.

He was identified with and was an official of some of the strongest and leading banking institutions of the city of Des Moines, and was a director of the Reserve Bank. He was an active member and an official of the Chamber of Commerce, both city and national, but withal he kept in close contact with and in active control of his large publishing house, where the Meredith publications were issued under his guidance, with the aid of over five hundred assistants, all of whom became inspired with the spirit of co-operation drawn from the genius and the love and affection of their leader. So firmly and well has the institution's foundation and structure been laid and built that the work goes on, guided and influenced by the hope and good will established; a house where beauty abounds, adorned by the best in literature, art, and sculpture, where the most humble workman finds pleasure in the doing of his part, and wherein he is wont to take pride in saying "I am a part of the institution known as the 'Meredith Publications'."

Though he never held an elective public office, he took a lively, active, and leading part in public affairs. Once he was the nominee of his party for governor of this great state, but the Republican majority, for which Iowa is noted, even Meredith could not overcome.

When we became engaged in the World War our President availed himself of the services of Mr. Meredith, and he was sent abroad to study conditions that we might the better organize our industrial forces to aid and assist in doing our part. Upon his return his active, energetic, organizing ability was felt nationally, as we had known and felt it in our state. Then came the opportunity for our War President to give to the people the services of a genius for public service and he selected Mr. Meredith to become a member of his Cabinet as secretary of agriculture. Promptly he began the work with that same energetic, inspiring force displayed at home, so that when his successor took office he found a revolutionized department, one that became and has held its place among the other strong departments of our national government, where it is said today that the organizing influence of E. T. Meredith is felt and known.

Meredith's voice and influence were given without reserve in behalf of the plans, hopes and aspirations of our War President to establish a system by which wars between nations could be avoided, wherein it was said that we were morally bound to take the step to make good the favorably accepted proclamation that we were engaged in a war to abolish wars. In short, that if our Christian civilization hoped to survive we must become identified with other nations in establishing a World Congress, if you please, to pronounce international law for the guidance of nations in international affairs, and a Court of Justice in which disputes could be adjusted without armed conflict, but nationalism was too firmly imbedded in the minds of men, and we were not permitted to take a part, though we had given to the world a concrete ex-

ample in establishing a national Congress with a Federal Court for all of our states.

Meredith passed to the great beyond firmly believing that our people erred and that in a time not far distant we would reverse our present policy for the more advanced one, in accord with the spirit in which we live and teach.

As we measure the age of men, Meredith passed on when a comparatively young man, but during the thirty years of his business life, beginning in the days when he used a pushcart to transport his publications to the post office, and ending in 1928 with a world-wide experience and as a national figure among men and affairs, he lived a full, active life, far beyond the average of men of affairs. Though short in years, his was long in achievements, and the satisfying thought comes to us that it was not a selfish life, but one devoted actively to the betterment of all mankind.

It is well that the portraits of such men are placed where the eye of the on-coming generations can see and know the kind and character of men who have grown and developed as world figures under our philosophy of life and government and made secure to our successors in a written constitution, and that if we would have men and women noble in character, strong in the virtues that go to make a great people, ever working to improve the standard, we must religiously guard the portals of constitutional government where human rights are recognized as inherent, and where government is organized among men to guard and protect such rights as an aid in our pursuit of happiness. Let us again and again draw from the fountain of faith that we have in our fathers, who made it possible that we and our successors might enjoy the blessings of liberty as we know them under our form of government.

My personal acquaintance with Meredith dates back to the time when he was a boy of eleven years of age, and later became one of close, warm, personal friendship. As members of the same political faith I enjoyed his confidence and joined with him in the many efforts to carry out the principles which he firmly believed to be to the best interests of all concerned. My mind goes back to the days when equal suffrage was a paramount issue, and I cannot forget his sincere, aggressive, interest therein. Temperance to him was a gospel of faith, and no influence, financial or otherwise, could swerve him from a course having for its purpose the advancement of his cause. Better highways was an ever constant subject to which he gave time and money. In truth his devotion to hard surfaced highways in his candidacy for governor lost for him the support of those who believed Iowa's soil was good enough, as it had served those who had gone before. I have oftentimes heard him speak of the need and necessity of readjustment in state governmental affairs to avoid overlapping in administrative matters.

As an employer of labor he gave active support and influence to bring about the enactment of the Workmens' Compensation Law in Iowa.

When it became apparent to his family and friends that his physical strength could not long endure the demands made thereon by his active participation in so many varied and important issues and activities, he was admonished and urged to refrain from taking such an active and energetic part in the many interests so close to his heart, but his was a heart that could not be satisfied in giving less than all that was in him. He could not stand by or be regarded as one among a number of others to be counted as so many men in a movement. Thus until the last, he was engaged to his utmost capacity in the furtherance of every cause which he believed to be right.

The cause in which he believed was the all important matter with him. Men's personal ambitions were secondary, and only regarded as worth while when essential and necessary for the advancement of affairs of state in the direction of and for the public welfare. He was a liberal contributor in time and money to all endeavors having for their object and purpose the improvement of the community interests, and any movement to improve living conditions received from him his best efforts, however modest the beginning.

It was not strange nor unexpected that one of Meredith's active life would meet with opposition, but it can be said in truth that in all of his efforts, actively aggressive as they were, he left no personal wound among his fellows or those he opposed.

Disappointed at times, yet never discouraged, he accorded to others the rights and privileges he claimed for himself. He went on with the work until called upon to "pass on to the undiscovered country from whose bourn no traveler returns."

He lived the part of one of Iowa's distinguished citizens, a great American.

Following Senator Clarkson's address the secretary read the following list of names of members of this association who died during the last biennium with their legislative service:

George S. Allyn.....Mt. Ayr.....	R. 38, 39, S. 26, 27, 28, 29
Irving P. Bowdish.....Waubeck.....	R. 17, 19
James Joseph Bruce...Rolfe.....	R. 21
C. E. Bull.....Milton.....	R. 27
Edward Boland.....Williamsburg.....	R. 30, 31
H. W. Byers.....{ Harlan Des Moines }	R. 25, 26, 28
E. J. C. Bealer.....Cedar Rapids.....	R. 29, 30, 31
Milton K. Campbell...{ Harlan Pamona, Calif. }	R. 16
John B. Classen.....Marshalltown.....	R. 26, 27, S. 28, 29
J. F. Clyde.....Osage.....	S. 23
Oliver Coomes.....Atlantic.....	R. 17, 18

E. D. Chassell.....	{ LeMars Des Moines }	R. 25, 30, 31
George D. Darnall.....	West Union.....	R. 22
W. P. Dawson.....	Aurelia.....	R. 33, 34, 35
A. H. Davison.....	{ Rock Rapids Des Moines }	R. 25
E. E. Dotson.....	Colfax.....	R. 18, 19
George L. Finn.....	Los Angeles.....	R. 21, S. 22, 23, 24, 25
Shirley Gilliland.....	Glenwood.....	S. 30, 31, 32, 33, 34
John L. Good.....	Boone Co.....	R. 26, 27
William Groneweg.....	Council Bluffs.....	S. 22, 23, 24, 25
George D. Harrison.....	Columbus Jct.....	R. 13
Wm. S. Hart.....	Waukon.....	R. 30, 31
Lyman S. Huntley.....	Chariton.....	R. 26
Geo. W. Henderson.....	Rolfe.....	S. 25, 26
Geo. Hilsinger.....	Sabula.....	R. 28, 29, S. 35, 36
Ernest L. Hogue.....	Blencoe.....	S. 29, 30, 31
J. A. T. Hull.....	{ Clk. of Senate Lieut. Gov. }	
E. J. Hartshorn.....	Emmetsburg.....	R. 15, S. 16, 17, 18, 19
Emmons Johnson.....	Waterloo.....	S. 13
Henry R. Keagy.....	{ Epworth Independence }	R. 29
David L. Lyons.....	{ Mahaska Co. Clarion }	R. 21
Timothy E. McCurdy.....	Hazelton.....	R. 27, 28
Samuel Mayne.....	Bancroft.....	R. 26
S. T. Meservey.....	Ft. Dodge.....	R. 21, 29
John McAllister.....	Cedar Rapids.....	R. 30, 31-32
S. F. Prouty.....	{ Marion Co. Des Moines }	R. 18
John F. Potter.....	Quimby.....	R. 23
L. F. Potter.....	{ Pottawattamie Co. Harlan }	R. 26, 27
David J. Palmer.....	Washington.....	S. 24, 25, 26, 27
J. M. Schleicher.....	Livermore.....	R. 22
J. U. Sammis.....	LeMars.....	S. 33, 34
Lewis H. Smith.....	{ Algona Enroll. Clk. in House }	8th G. A.
Wm. D. Sheean.....	Anamosa.....	R. 27, S. 35, 36
John Y. Stone.....	Glenwood.....	R. 12, 13, S. 14, 15, R. 16, 17
J. H. Trewin.....	{ Lansing Cedar Rapids }	R. 25, S. 26, 27, 28, 29
M. L. Temple.....	Osceola.....	R. 26, 28, 29, 30, 31, 38
George C. White.....	Nevada.....	R. 32, 33

There then followed reminiscences concerning legislative affairs, participated in by George M. Titus, E. C. Roach, and R. G. Clark. Former senator Perry Engle spoke substantially as follows:

SPEECH BY PERRY ENGLE

Gentlemen and comrades, we again have assembled in our biennial meeting. In the last two years death has levied a costly tribute upon our ranks; one by one at the beckoning of the silent messenger our comrades have passed through the gate to the land of the dead. We miss their presence and counsels. They bore the flag triumphant even to the gates of the sunset.

I congratulate you, comrade pioneers of Iowa, that you are here today to talk over and enjoy reminiscences of days that are gone. It must be satisfying to you to contemplate Iowa—the Iowa you have seen develop from a wilderness to the state it is.

We pioneers had battles to fight, great difficulties to overcome, but we passed to our worthy successors a gem of a state, inhabited by the best people on earth. We hope our successors will honor us by excelling us. We can put fear out of our hearts. This nation will survive, this state will prosper. Give the people free speech and free press, then we are saved. Reason never has failed men; only force has made the wrecks in the world.

You tell me that law is above freedom of utterance, and I reply that you can have no wise laws nor free enforcement of wise laws unless there is free expression of the wisdom of the people—and, alas, their folly with it. But, if there is freedom, folly will die of its own poison, and the wisdom will survive. That is the history of the race. It is the proof of man's kinship with God.

President Washington said: "My first wish is to see war banished from the earth, war and pillage have drenched the world in blood."

Hope, love, and fraternity have not deserted the world. We see in peace the morning dawn of a better day.

Oliver Wendell Holmes said:

"Along its front no sabers shine,
No blood-red pennons wave;
Its banner bears the single line,
'Our duty is to save'."

May around the earth the church bells chime, "Peace on earth, good will toward men."

Were I a Raphael I would paint two pictures. In one I would paint the wails of dying men, the moans of weeping wives and mothers, the cries of suffering children; I would paint the background as black as Egyptian night; I would drape it in blood. I would call this picture "War." In the other I would paint the love, hope, and light in weeping eyes, the dimples and rose on the faded cheek; I would paint all that

lifts, saves, and loves; over it all I would paint the bow of promise, like a perpetual benediction. This picture I would call "Peace."

The last tattoo for us will sound ere long, and on "Fame's eternal camping ground" the silent tents of our pioneer host will be spread. Let us clasp the hand a little stronger. Let the smile last a little longer. May we all be brave, true and progressive until we reach the end of the trail.

Let us strive to have and maintain a "government of, for and by the people." I believe in the motto: "My country, right or wrong; if right, keep it right; if wrong, make it right."

At the opening of the session at 10:00 A. M. February 14, George H. Van Houten presented to the association a beautiful gavel made of olive wood in Bethlehem, Palestine, and secured by him when there recently. Governor Clarke, as presiding officer, in a felicitous speech accepted it in behalf of the association and assured Mr. Van Houten of the appreciation of the members, and promised it would be kept by the secretary for the use of the presiding officer at future meetings. Ora Williams then delivered the following address:

A REPORTER'S SURVEY

By ORA WILLIAMS

The source material for this hour off the main trail is but lightly covered by the dust of the upper shelves. It may be worth rescuing as an offset to our habit of deprecating today and forgetting yesterday.

Happily we may go back to the enchanted realms in memory. Only a little way and not half the record has been checked off by the great scorer against Iowa's allotment. I choose, just for the moment, to take you back to that time when I first contacted the Iowa legislature—the session of the Twenty-first General Assembly, which convened in January, 1886. From this let us make survey.

Capitol hill seems long and steep. The horses are weary that drag antique street cars up the way. A midwinter inaugural parade is a custom. A brass band strikes the notes for those who keep step in blue uniforms. Carriages are filled with bewhiskered men in silk hats and smiling ladies in flounced sleeves. It is very cold, exceptionally so, says the old settler. Parties of legislators come on belated trains. An all night vigil in cold and hunger is reported. The business of the state does not wait. The assembly ball is not postponed.

Board walks lead from the street. The new Capitol grounds are cluttered with unused stone. A deep gully is only half hidden by a thicket of wild apple trees. State pride is not ready yet to clear the rubbish. But O, where is there another such a dome? It is our pride. Yes, really it is gold. Visitors glance at the glittering chandeliers or lightly touch the marbles that will never be duplicated. Inauguration is from a forum

in the open corridors. Legislative halls are sacred. Only two years have elapsed since John A. Kasson dedicated the new Capitol upon the spectacular abandonment of the old one. Not all the moving is done.

The passing panorama is highly colored. There is action in every scene. I respond to the youthful vigor of a youthful state. I take a high place for observation. I am charged with the duty of taking notes of men and measures.

The lines divide as men pass down the aisles. Single-mindedness is not an attribute of statesmanship. The session opens. Not much, apparently, to differentiate it from the twenty that are gone. There is the routine of bill introducing, committee jockeying, speech making, and the courting of the newspaper men on whom publicity depends.

Gavels are placed in the hands of the captains—Hull and Head. The rattle of musketry is still heard in convention halls. It is time, too, for a state home for the veterans of the Civil War. There is fairly even division on the legislative floors as between political parties. The "third party" is still a reality.

I see rising at the rear, the "tall cottonwood of the Missouri slope," Senator L. R. Bolter, willing to expound the Constitution on slightest provocation. The old ways are not obsolete. Different entirely is John S. Woolson, just making a start for a career on the federal bench—keen and polished. Here, also, is Talton E. Clark, with arms waving high and voice penetrating, presenting the fundamentals of the temperance issue. P. M. Sutton explains why his attitude today is not what it was at one time. But he is not alone among those who are in doubt. The issue is making and unmaking many careers. Needed spice is added to debate by the brisk and bubbling senator from Cass, Lafayette Young. In a quiet way, Gifford S. Robinson is of great influence. He is leading toward a judicial career. Dr. Timothy J. Caldwell of Dallas carries his gold headed cane with becoming dignity. William J. Knight is all courtliness and helpfulness.

The flowers of oratory blossom here in every debate. Col. J. H. Sweeney is winging his way toward a seat in Congress, from which William G. Donnan has escaped. W. W. Dodge, youthful scion of historic family, has cultivated the arts of oratory to good purpose. He is writing a book about the best speeches. Senator Charles E. Whiting has just missed the governorship by a narrow margin; Senator Matt Parrott is later to make second place. Others there are—Col. C. H. Gatch, Col. John Scott, Lewis Miles, E. T. Gault, Moses Bloom, Ben McCoy, F. D. Bayless and Gil Johnson.

Oratory also flourishes on the floor of the house. Much of it is expended on the proposed impeachment procedure. A little of it is reserved for hurling at the wicked corporations. Cousins is trying his wings and making short flights that cause no sensations. He has rivals. There is Col. John H. Keatley and James G. Berryhill and George L. Finn and George Dobson. Most interesting among those on the floor is Silas M. Weaver, who had been carried to the house to vote for prohibi-

tion at another time. Near him is the modest W. S. Withrow. The two are to have adjoining seats on the supreme bench some day. Here, also, is John E. Craig, and William G. Thompson, who with P. B. Wolfe, from the other side, are to adorn the district bench. Two are here—George Dobson and James A. Lyons—who are to get state offices.

The great principles of the Greenback party are being stoutly upheld. W. H. Robb of Creston leads the gallant band and does it right well. Whatever else may be said of it, this is no time for sitting astride the political fence. If there are not enough parties then there are divisions which foreshadow the later factionalism. The mill starts off merrily for the big grist. There is the usual flood of bills. Reform is in the air. Economy is a word that gets votes. The clash of conflicting interests is heard in corridors and committee rooms. It was ever thus.

"I have never seen in all my observation of past legislatures so many radical bills introduced, bills which propose radical and sweeping changes in the workings of our state government." That is the verdict of Editor Sam Clark, as he hastily surveys the work. But the radicalism of today may be something else tomorrow.

The old familiar phrases are heard in debate on temperance measures—high license, low license, local option, personal liberty, vested rights. Nothing new. But what about the railroads? The corner grocery group no longer debates bonuses and bonds. Some one has the audacity to suggest that mileage be withheld from members who have come to the General Assembly without paying fare. That's the acme of radicalism. Word is sent to Congress to provide for federal regulation of interstate commerce. That's going a long way, for this time. A move is made to tighten the grip of the state on rates. All this is ominous. Anyway something must be done to save the farmers from peonage. Legislation is the way. James Wilson writes from Washington that when 1,500 Iowa farmers invaded the old State House they made things hum. He wants a hundred thousand to march on Washington and get something or other.

But the very first resolution put into the record of the Twenty-first General Assembly points the way to the solution of the age old agrarian problem. No, it is not the much discussed subtreasury plan for setting up a booth in every township with a treasury agent supplied with greenbacks to lend at low rates. It is more simple. Coin silver enough to make dollars that will pay off the national debt at once, thus immediately increasing the amount of money in circulation and effecting final relief for the farmers from low prices. More money, more money! Strangely enough the suggestion is not approved by this radical legislature.

Reformers are busy in other directions. Ah, here is something tangible! The senior member from Polk has a bill to require that an applicant for a marriage license must convince the clerk that he is going to be able to support a wife and children if there are any. Someone meanly recalls the member's own humble beginnings. A committee tacks on an amendment to compel the woman in the case to also show

the same competence to support a husband. Social legislation gets a bad start.

Despite the absence of typists and writing machines, bill making goes on rapidly, if not legibly. And bills are sometimes actually engrossed before passage. Enrolling is in script. Most of the committee clerks, of which there are only a handful, are men. I have the promise of a clerkship, but my senatorial friend backs up at the last minute and confides to me that he will get his chairmanship only on condition that he lets the appointing power also name the clerk. That is not a new trick. There is a proposal to raise the pay of clerks and helpers. A protest comes from Polk County on the theory that if the pay is put above two dollars a day the members will be flooded with applications. One member complained that he had to buy two memorandum books this session to make a list of the place seekers.

Newspaper reporters are favored in a very modest way. They are given a stationery drawing account of two dollars a week for pencils and paper. I cash mine at the book store, as others do. The governor's address is to be printed at state expense in German, Norwegian and Bohemian. Some one makes complaint that the state printer shows favoritism in the printing of bills, getting out some of them sooner than others. George Roberts makes denial.

The startling innovation is proposed of having the journals printed day by day. A committee decides it can't be done—at least not just then. That innovation came very soon, however. Trouble arises because there is so much mucilage and ink lost from the committee rooms. The chronic fusser is ever present. Happily, however, there is here as in every Iowa general assembly a safe majority of those who see the larger things, who have vision, who maintain and carry on the splendid work of the pioneers whose work is never done. The laws of Iowa are a crystallization of that rich public sentiment that everywhere and in all times makes of the homeland a better place in which to live.

Location of a soldiers' home involves a state-wide junket and sixty fruitless ballots in joint assembly. Good dinners and brass bands are ineffective. Twenty-five cities and towns receive bouquets. Even Des Moines gets a vote; so does Sevastopol and Rising Sun. Then a commission settles it in secret, and the corner stone is laid.

Is the session coming to a tragic close? Not quite. More nearly a farce. Impeachment is voted by the house against John L. Brown, state auditor. Echo of a bitter conflict of political groups. A formidable prosecuting committee is formed—J. H. Keatley, John E. Craig, Robert Cousins, S. M. Weaver, George W. Ball, L. A. Riley, E. C. Roach. Big lawyers, also, on the other side—Charles C. Nourse, Fred W. Lehmann, John C. Bills, E. S. Huston. Weeks of the trial. The Senate has a special session. No conviction. The Auditor had been reinstated after having suffered removal by a company of the National Guard under orders. Long years afterwards the accused official hovers in legislative

corridors seeking reimbursement at least for his pay to lawyers. But that is a story well worth the telling, though not now.

This gigantic lawsuit, with another almost as farcical, is illuminating. The Governor gets out a little circular to explain why he will not issue a certain pardon. He is indicted for libel. He shocks old members of the bar by appearing in court with a young lawyer who had been doing some clerical work in his office. He makes them gasp when he refuses to permit a directed verdict when the presiding judge hints about it. There is a bit of melodrama when an interested woman flings herself into the case and grandly conducts the cross-examinations. The Governor is vindicated. The presiding judge, Josiah Given, and the young defending lawyer, Charlie Bishop, go to the supreme bench. In his own time the pardon is issued. The Governor is just—but there must be no pushing.

I turn aside to consider that most fascinating of all professions, journalism. There might be a hollow ring to the anvils where legislation is forged but for the white heat of the hearth where the reporters toil. A great deal aside from mere words is found between column rules.

It is only a short backward step to the appropriation bills wherein is included lost lists of items to pay publishers for newspapers ordered by members. The state treasury is shallow but out of it came pay for subscriptions to the *True Radical*, the *Iowa Voter*, *Western Star*, *Temperance Platform*, *Monthly Evergreen*, the *Democratic Conservator*, the *Progressive Republican*, the *Copperhead*, and such like purveyors of gospel truth much needed on legislative desks or by eager constituents. This is of the past. Such petty graft went with the disappearance of jack-knives from the supply room.

It is the day of the special correspondent. The dean of the corps is the veteran, L. F. Andrews, contributing his column daily to the *Chicago Journal*. Near him is John R. Sage, long representing the *Inter-Ocean* in Iowa. William A. Jones combines representing the *Omaha Bee* and other papers with his duties as managing editor of the morning paper. Henry Shaver is a veteran correspondent. He has eastern connections but never overlooks that first he is a Democrat. Emerson Hough tries it awhile with the *Chicago Record* but it is not to his taste.

In a moment of boastful confidence Mr. Shaver confides to me that his party is going to choose the governor in 1889. Who is it? His name is Boies, Horace Boies. I consult my scrap book and find that I have copy of a petition in which Uncle Horace listed himself as a Republican. I laugh at my fellow reporter. But he laughs last.

They come and they go. J. W. Bopp appears in the gallery. He did a great job reporting the Sherman-Kinne joint debates. But he reforms and goes into business. One who preserves the old traditions is Clarence S. Wilson. He had himself been a member of the legislature. Frank Bicknell is writing well. I pause for a chat with Col. Joseph Eiboeck, who stoutly maintains in perfectly good German, that all sumptuary

legislation is sinful. I meet Judge Fulton at a little desk in the newspaper union office and he recalls his book on the Indians.

No wonder that Iowa has a streak of low tariff heresy running all through and across lots. Here is the solemn Henry J. Philpott engaged in editing his little magazine, *The Million*, and proving every day that protection won't protect.

Always the newspaper men are on hand when there is some work to be done. George E. Roberts is engaged in doing the state printing. Don D. Donnan and Ernest Hofer, both from beyond the Larrabee preserves, handle the Senate desk. Sidney A. Foster, who writes well, is at the desk in the House. Heavy space-filling duty for the *Iowa State Register* is done by the brilliant Freeman R. Conaway of Brooklyn and the industrious Bryson Bruce of Garden Grove. The *Register* prints many columns daily about the legislature, and instructions are to be fair and accurate. From outside of the capital city, the leaders of the daily press come—George D. Perkins, J. J. Stedman, Sam Clark, Al Swalm, Johnson Brigham, John Mahin and many others. Henry Wallace is a minister from Winterset just trying his pen.

Fresh from a country newspaper, with the Main Street dust too conspicuous on my shoes, I look in upon the scene with large eyes. The press gallery is a magnificent vantage point from which to survey the passing panorama. Little envy have we of the drudges who must needs vote on hundreds of bills about which they know little or nothing. The study of men and the interpretation of movements is like a journey of discovery into the heart of Africa. Great joy if the search for truth is successful. I make first connection with a daily paper, the name of which is all but forgotten. Perhaps it died early because I was its managing editor. It is the *Hawkeye Blade*, by Lowry Goode and his brothers. But it had a keen edge. I pause awhile in the *Des Moines Leader* office under Welch and Watts. Judge L. G. Kinne is yet to try his hand at editing. W. W. Witmer has retired.

I am drafted into the family of the old *Iowa State Register* at this interesting period. I become city editor and so remain until after the brilliant James S. Clarkson is seduced by the glittering East. I become deeply attached to this veritable political crusader who so ably followed the Blaine banner to the end. I had been preceded by James A. Miller, P. H. Bristow, Al Swalm, "Blind" Dixon, Lafe Young, Carroll Wright. But "Ret" Clarkson is the whole show. In brilliancy, forcefulness, versatility, I have never known his equal.

Yet the challenging "clock tower" that never had a clock is, to very many, just a symbol of that which they, in derision, call "The Regency." The name is spoken with bated breath. About it circles most of the petty quarrels of the political cliques. John J. Hamilton is just gaining a foothold and pouring out his wrath upon it. Johnson Brigham in his paper at Cedar Rapids makes reference to "this thing of the disordered fancy called The Regency." Mr. Clarkson himself pauses at my desk to quietly remark: "Well, at least it is a regency of brains." The broad-

castings from the inner sanctum go farther than the ballyhoo of the professional announcers of later years. The editor stands high.

Across the street the always aggressive *Leader* is bravely upholding the under dog, if he can be found. Gen. J. B. Weaver and E. H. Gillette are still doling out the genuine Greenback doctrine, much of which is to be renamed and adopted. It is to be for Ed Meredith to gather up the remnants of their plants and build a national magazine. I meet Barlow Granger and ask about old Whig days in New York. I get a volley of abuse for Horace Greeley and fulsome praise of Thurlow Weed. I interview J. Ellen Foster on the progress that women are making for emancipation or something of the sort.

But the hub about which everything turns is that mysterious "clock tower," at once a challenge to all radicalism and a beacon for the forward-looking and forward-marching forces of Iowa. The historian of the future must make careful appraisal of the tremendous influence of Clarkson and his group of friends. They say he is a tyrant; I know he is generous and fair. They say he is a dictator; I know he is a good compromiser. They say he is an aristocrat; I know he is of the proletariat.

But neither can anyone ever understand the peaceful revolution under way in Iowa's turbulent eighties without making a deep study of the quiet little man who sits in the executive office. William Larrabee brings from the rugged hills of the Turkey Valley, blocked off with forests and rich pastures, a spirit needed in public affairs. He is just and fair. His duty is first to his beloved state. There are no favored interests. He will irritate by the strictness with which he enforces law. Traditions go to the scrap heap. That is why some of the legislation proposed just now is called radical. Out of it all is to come much that will endure for the good of Iowa.

Governor Larrabee raids a college faculty for his secretary. Professor F. W. Hossfeld succeeds Welker Given, William H. Fleming and John S. Runnells. He has some alien notions about the exclusiveness of high officials. The free and easy manners of the last administration are halted by new snap locks on the executive doors. Reporters do not like to send in a card to a public servant. There is revolt, and I am one of the insurgents.

The versatile reporter for the rival paper, *The Leader*, Al. W. Moore, suggests a plot. We both write up the innovation as if in praise, with a good deal of sarcasm and some humor, as if it was a great thing to have an Iowa chief executive hid behind the red tape of old world customs. The plot works. We are called in a few days later and Governor Larrabee tells us that there are no locks against our calls upon him. Nobody ever had to be kept waiting at the mill; nobody is to be kept waiting at the State House.

We chuckle at some of the ways of the new governor. A voucher for payment for a set of butts for one of the big State House doors is on his table. He thinks it looks big. Before he approves he takes the mat-

ter up personally with a friendly merchant to make sure that the state is not paying too much. It is a little thing, but our governor is thorough. A thanksgiving proclamation is in the making. The secretary is polishing up the sentences. Somewhat impatiently the governor picks up one of those old fashioned electric stencil pens and writes a stencil with his own hand, composing the whole in his rugged English and trusts to luck for the printers to get his words. He goes direct to the point and stops. Criticism for having reinstated the accused state auditor finds no lodgement with him. He does not know of any reason why Brown should be deprived of his office unless and until he is impeached. Our new governor is not disposed to be an autocrat. At a later date, however, he does not hesitate to call "upon the carpet" a railroad commission moving too slowly in rate matters and in very plain words notify that commission to get busy or take the risk of summary removal from office. He gets things done. It is a time of change, an era of ferment, new precedents are being set, traditions are broken, we are getting ready for the grandeur that is Iowa's. There are painful scenes and mortifying clashes. A state, not less than a child, may suffer from growing pains.

The symphony of hammers and hoists is nearing the last movement at the new Capitol. A tramp artistically frescoes one of the last of the rooms to be made ready. Garish idealizations of Liberty and Agriculture are hung. Carved heads of cows and sheep, or bunches of grapes and ears of corn, are set against the casements. Peter A. Dey, Gen. Ed Wright, Architect Hackney are in the scene for a moment. No trace is left of the gigantic blunder of insistence upon Iowa material alone. The corner stone has been resurfaced.

"We had troubles a-plenty getting our appropriations," muses Robert S. Finkbine as he surveys his product. "Along in the granger days the 'tightwads' nearly got us. They wanted to cut off the corner domes. They would abolish the big dome. They did get it reduced in height a little. We had a friend introduce a resolution directing us to leave off all the domes, thatch the roof with prairie hay and quit. We got what we wanted."

The commission gets orders to turn over the unfinished odd corners to the Executive Council. The accounts are audited from the very beginning, and in the expenditure of the three millions the net errors found are not sufficient to buy a box of good cigars.

The Supreme Court of Iowa is still "on wheels." Despite vigorous protests the Twenty-first General Assembly decrees that the lawyers shall come to court, not the court go to the lawyers. The new court room is just ready. Chief Justice Austin Adams, like a veritable Solon, settles back into the cushions. His associates—Reed, Beck, Seever and Rothrock—prepare for work. A day is set apart for dedication of the new seat of justice. The magnificent Samuel F. Miller, the Iowa country doctor who became a great jurist and served long on the United States Supreme Court, makes the principal address. Late at night the

great judge sits in a hotel room and has me read the notes that I, as a young reporter, hastily took so that he can catch the headings of his talk and reproduce it for the morning paper. Nobody had been thoughtful enough to have shorthand notes taken. In that brief interview with Justice Miller I get a close-up of the spirit of American democracy.

In my daily journeyings I pause at a desk in a corner of a storage room. Charles Aldrich looks up. He shows how well he has filled the one cabinet he has been able to beg from the state. His collection is marvelous. He appeals for help to get a second autograph case, and gets it. He is building from the very foundation. I gladly help him. He remembers it and long years afterwards tries seriously to draft me into his service. He is a journalist, with all the instincts of a good reporter, one gifted with the zeal to make daily journeys into the wilderness and joyously return with the fruits of his toil.

It is 1886, just forty-three years ago this month, that the idea of an association of former lawmakers came to a head. The versatile Charles Aldrich is largely responsible. He gets together a committee with such men as Hoyt Sherman, B. F. Gue, C. F. Clarkson, P. M. Casady and George G. Wright, and a call is made for a meeting in Foster's Opera House. What a sight it is. A hundred of the men who have had a hand in Iowa affairs met to reminisce. Meetings are held for two days. Many are the stories told. It is less than fifty years to the very beginnings of territorial existence. A dozen of those who had sat in territorial assemblies register for the meeting. The very first one is represented. Early state legislatures are all responding to roll calls. There are speeches by John H. Gear, John F. Duncombe, J. B. Grinnell and many others.

I take unfeigned delight in making reports of these first meetings of the association. I use extensively of the manuscripts for the morning paper. I am unfortunate, however, in that I fail to get back from the printers all of the manuscripts. I am scolded for failure to live up to my promises. But Secretary Aldrich is himself a newspaper man and knows the ways of printers. The meetings all but close with a sensational incident. A member, then living in Nebraska, Judge J. L. Mitchell, has just started an address. He has eulogized the state he left and the state to which he has removed, when he suddenly collapses and is carried from the room lifeless. It is a reminder of the presence of the reaper.

Two personalities are clearly outlined against the gray sky of 1886. At this time Iowa is forty years old. The tangled threads of four decades of striving have been woven into an enduring fabric. The weavers have never rested. The trail blazers and sod breakers with their heavy axes and long plows have given way to the crusaders setting up their rival spires at the cross roads. The volunteers have cemented the Union with shrapnel. They are building big red barns and little white schoolhouses. The sprawling links of the transportation systems are united. Commerce is in the hands of the sons of adventurers. The

prophet of that era is the most commanding figure of the day. The spirit of that colorful period of state making, its tremendous urge for physical development, the earnest moral sentiment that glorified every movement, is personified in James S. Clarkson.

The time is at hand for a different outlook and preparation for still grander things. The new governor brings into the picture some of the freshness and freedom of his beloved hills. His heart has been kept young by the green and gold of the pines and the oaks. He has gathered wisdom from the ripple of the brook as it hurries adown the stony valley past his mill. It is a large grist that awaits him as he takes over the Capitol mill, and he is prepared. William Larrabee is in dead earnest.

Naturally the sparks fly in this busy workshop. The clashes are inevitable. Signs are not wanting of a cleavage that will widen with the years. Differences of temperament, of training, of purpose, of environment, of viewpoint, account for the somewhat startling divergence of the major lines of influence.

I would feel ill at ease if, in even this meager mention of the two commanding figures of the era that I first contacted, I did not pause to pay tribute to at least two others whose influence will never be made of record. I have in mind two women. Iowa is rich in its heritage from noble women. Here and now as in the heroic days one needs must search for the woman if he would measure all the springs of action that move the world. I knew both of these women of Iowa well. I can add personal testimony to their nobility of character—the wife of "Ret" Clarkson and the wife of William Larrabee. Grand representatives of the very best there is in womanhood, devoted and loyal, ever helpful, ever inspiring, ever gracious and lovable. But if I should make a list of others of their kind, O how long it would be. I am glad the inspiring features of these two women I have named are preserved in this fine portrait gallery of the State Historical Department. I glance along the walls and can say truthfully that—even though my years are not many—I personally knew fully half of those who are here shown.

The lines to which I have referred run parallel all the way down the corridors of the temple of history. They measure the cycles. They mark the pathway of progress. Memory sweeps swiftly over the intervening years. The period is but one tick of the great chronometer as it registers the seconds of the first day of the centuries our commonwealth must endure. I feel, rather than see, that bubbling of public sentiment that compels readjustment of the machinery of government which goes on all the time. It was my glorious privilege to stand at the station of the interpreter to make record of what has been done to solve the problems of these years.

The panorama is colorful, thrilling, at times gripping with interest. Able men of Iowa are drafted for legislative, executive and judicial duties. I see many splendid men swept into the legislative arena that they may take a hand in code revision. I see others developed and

broadened by the fierce contentions that grow out of problems of commerce, trade, agriculture, education, the home. I confess myself annoyed when I meet the supercilious sneer of some sensation monger who knows no other way to magnify the present than to minimize the past. I resent the attitude of mind that pictures the period of so-called factionalism as dull and unproductive. I, for one, gloried in the spirit that drove strong men into intense rivalry, and sometimes fierce antagonism; but out of which came the setting of precedents that will long influence the course of history. The men of the period I have just barely mentioned were and are worthy sons of Iowa. They were of the race of the pioneers. They or their fathers got their athletic training with an axe and a bull whip. They held unframed diplomas as McGuffeyites. Theirs was the church of the best licks. Their politics was a compound moulded in caucuses and fighting conventions.

Certainly it would not have been worth my time nor yours to ~~have~~ disturbed the dust of the upper shelves but for the fact that the period of which I have been speaking affords a convenient starting point for one who would undertake to appraise the values that have touched Iowa life in the past half century. Always the break with custom seems at the time to be cruel. The man of vision ever struggles with the dull inertia of tradition. States, like republics, are in the process of being made and made over. Only an autocracy is a finished product. And it would not have been worth while to ~~have~~ adverted to the gallery of newspaper men, but for the fact that they have had a very large part in the shaping of legislation and in the formation of public sentiment that is the only sure foundation for enduring laws. And what a grand and glorious galaxy of journalists Iowa has had.

From the vantage point of a reporter's desk it was my privilege and my delight in more than a dozen legislative sessions to watch the passing parade and to endeavor to interpret it to the reading public. A mere catalogue of the men and the women who have played noble parts on this stage would be too long for this occasion. Some day when the story of Iowa in the last quarter of the Nineteenth Century and the first quarter of the Twentieth, is written, it will be read with absorbing interest by the lovers of that splendid commonwealth whose affections, as has been said, like the rivers of her borders flow on to an inseparable union.

The next speaker was Constant R. Marks of Sioux City who was a representative in the Thirteenth General Assembly, 1870. He told of his birth in New England, his education there, his service from there in the Union Army, of his removal to Sioux City in 1868 to practice law, of his stumping Woodbury County that year for Grant, and of his election the next year to represent the Sixty-seventh District composed of Woodbury, Plymouth, Sioux, O'Brien, Lyon and Osceola counties, as member of

the House. He then characterized in a delightful way some of the members of the House of that session who were then or afterward became famous—John A. Kasson, Joshua G. Newbold, John Y. Stone, M. E. Cutts, John F. Lacey, John P. Irish, James Wilson and Henry O. Pratt. Concerning the famous contest for the appropriation for the building of the new Capitol he spoke as follows:

Shortly after the organization of Iowa Territory in 1838 the capital was located at Iowa City, a town created by the Territorial Assembly, and entered in the name of the territory.

In the fall of 1857, the capital was removed to Des Moines, and the building in which the state government was located was a very plain two-story brick structure, donated by some of the citizens of Des Moines as an inducement for the removal. It was a very plain, unpretentious structure, just barely large enough for the assembly rooms of the Senate and House of Representatives in the second story and the state officers on the main floor. It was not regarded as a permanent home for the state government.

The Civil War came on and absorbed the energies of the state government until after its close. The citizens of Des Moines felt that the erection of an adequate building for the state capitol would permanently fix that city as the permanent seat of government. It was not then in 1869 of such a relative size in comparison with the other cities as to make its location permanent.

The river towns of Dubuque, Clinton, Davenport, Burlington, Muscatine, and Keokuk could hardly expect its removal east again, but were jealous of the prestige it would give Des Moines to be made the permanent capital, as were several of the inland cities, such as Marshalltown, Cedar Rapids, Iowa City, Ottumwa, Oskaloosa, Council Bluffs, and Sioux City to some extent.

The people of Des Moines decided to make the fight that year and selected their best men as their representatives. B. F. Allen then at the zenith of his power was elected senator and John A. Kasson and G. W. Jones as their representatives. Mr. Kasson had been a congressman for several terms, was a consummate parliamentarian, and was selected to lead the fight in the House of Representatives.

They secured the election of Aylett R. Cotton, then of Clinton, as speaker, who was favorable to their measure, and in the appointment of committees got those favorable to the proposed permanent capitol on the capitol committee. The whole city of Des Moines from the humble newsboy up were ardent boosters for the capitol bill in season and out of season. Members were entertained at parties at private homes, and so enthusiastic were the entertainers for the capitol bill that they could not refrain from using the occasion to electioneer for the measure.

One great party was given by Senator B. F. Allen at his then new elegant home, since purchased by Fred M. Hubbell.

I recall an occasion when Adjutant General Nathaniel B. Baker got three members at his office on Saturday afternoon and loaded us up with copies of his reports and followed us up town stopping occasionally on the street to tell us some more about the news of a new capitol, while the newsboys and others looked on and remarked to us that we were certainly going to vote for the capitol bill. We were all three from the northwest. I represented six counties, had been in the state but a little over a year when nominated for the office of representative at a convention I had not heard of until someone told me of my nomination. Des Moines was good enough for me from the beginning and I did not share in the prejudices of the other cities.

In the Senate the measure was first passed, and sent to the House for final action in the form of a bill making an appropriation of in all \$1,500,000 for the erection of a new capitol building. Jones and Kasson of Des Moines sat beside each other and their names succeeded each other at every roll call, and it was soon manifest that on almost every contested measure one of these men would vote "aye" and the other "no," even on some school district legalizing act. In my judgment it put the capitol bill on too low a plane.

Then as now the pastors of the different Des Moines churches officiated alternately as chaplains of the Senate and House. In some way an enthusiastic preacher with no regular charge got on the list and on his morning in the House prayed among other things "that the Lord would give these legislators wisdom to vote for a new capitol that would be worthy of the dignity of the great state of Iowa." It caused much amusement and comment. The next morning after the opening prayer and commencement of the regular business Pat Gibbons from Keokuk, one of the wags of the House arose in his seat and very solemnly and with his richest Irish brogue, as was his wont when he had some mischief to perpetrate, and holding in his hand a paper said, "Mr. Speaker, I have a resolution I wish to offer." A messenger boy came to his desk and took the paper. Gibbons spoke again, "Will the clerk read the resolution," which he did as follows: "Resolved that hereafter the chaplain be required to pray for bills in their regular order as they stand on the calendar." This was not the only occasion when Pat Gibbons punctured a bubble with a resolution.

When a bill requiring railroads to keep their right of way clear of Canadian thistles was before the House, and the farmers were indulging in a lengthy debate on the general subject of thistles, Pat had another resolution to offer to the effect that "Canadian thistles are hereby abolished from the state of Iowa" remarking, "If the legislature of the great state of Iowa could not abolish a little thing like the Canadian thistle they better adjourn and go home." It terminated the debate.

One incident excited considerable comment. An obscure member said

he had been approached with an offer to be entertained by the finest looking woman in the city of Des Moines if he would vote for the capitol bill. He was attracted by the proposition and continued the negotiations. He was being watched by an enemy of the bill and quizzed, and admitted some offer had been made. A motion was made to appoint a committee to investigate the matter, but the investigation was finally dropped as the man making the offer could not be located.

Many members were personally favorable to building a new capitol and settling the agitation, but public agitation at their home towns had created a sort of public sentiment against the measure which they thought they should regard, and that they should vote against it.

Noses had been counted and it was thought the measure could be called up for passage on a certain day, and everything was ready on that day, but the member Dunne from Jackson County did not appear in his seat. He had agreed to vote for the measure, but if his vote was the one to carry it he would change to "no" before the count was announced. The Catholic priest at Des Moines was an enthusiastic supporter of the measure and was specially charged with keeping Dunne in line. The priest was appealed to and the voting that day postponed. After considerable search Dunne was found sitting or hiding under the river bank which then was rough and uncanny, affording many secret nooks. He had been afraid to face the music and had taken a day off. The next morning Dunne was on hand in his seat at the rear outer row with the rail separating the members' seats from the narrow public lobby behind him, and there stood that Catholic priest virtually to keep Dunne in line. The stage was set for the act, noses had been counted and the measure was taken up and the calling of the roll began and many beside the clerk were keeping tab as the roll was called. Dunne voted "aye." Dumont, an enthusiastic individual, with a seat about half way up on the center aisle also voted "aye" on the agreement that if with his vote it had but fifty-one votes in favor he would, before the result was announced change his vote to "no." The call of the roll proceeded and it just had fifty-one votes, not yet announced. Dunne in his rear seat arose excitedly and shouted, "Mr. Speaker," to be pulled down by the priest, and struggling to arise and shouting, "Mr. Speaker." Dumont in the center aisle was on his feet shouting, "Mr. Speaker," while a member placed at his side was trying to dissuade him. Satterthwait from Mount Pleasant, who had a seat well up in front, who had promised to change his vote from "no" to "aye" in case it had at the end of the roll call already received fifty-one votes, was apparently more deliberate in arising and addressing "Mr. Speaker." He had a member beside him as prompter. Here were three members shouting "Mr. Speaker."

The speaker, Aylett R. Cotton of Clinton, a good parliamentarian, favorable to the bill, recognized the one nearest him, Mr. Satterthwait, who changed his vote and made it a total of fifty-two, and the speaker at once announced the vote and declared the bill adopted. It was a close

vote. Dumont was at once on his feet claiming he had not been recognized before and made a motion to reconsider, some one objected but it was suggested that Dumont having voted for the measure had a right to make the motion. Kasson was ready for this unforeseen move and had a few votes pledged, who had voted against the measure, to vote against a reconsideration. I think one from Dubuque. Mr. Kasson in his smooth, suave way indicated that it was Mr. Dumont's right to make such a motion and that it could go to a vote at once, instead of postponing it (when some of the forces favorable were absent), a vote was had and the motion to reconsider was lost, and the state had voted to build a capitol to cost not exceeding one and one-half million dollars.

The actual voting and motion to reconsider occupied not more than an hour but it was tense while it lasted. Des Moines was jubilant and every one was glad it was over with.

The secretary read letters from absent members who acknowledged their invitations, but could not attend: Rev. H. O. Pratt, Cedar Rapids; Robert M. Wright, Fort Dodge; John H. Darrah, Kansas City, Mo.; E. W. Weeks, Guthrie Center (written from Fort Reno, Okla.); G. N. Haugen, Washington, D. C.; Burton E. Sweet, Waverly; Nicholas Balkema, Sioux Center; J. C. Beem, Waterloo; F. P. Greenlee, Red Oak; Leslie E. Francis, Riverside, Calif.; F. O. Hinkson, Stuart (written from Miami, Fla.); John Lister, Conrad; F. F. Jones, Villisca; D. D. Webster, Muscatine; C. J. Fulton, Fairfield; George A. Ide, Creston; Thomas E. Johns, Des Moines; H. O. Weaver, Wapello; I. B. Richman, Muscatine; and C. N. Jepson, Sioux City. (Since the meeting letters of regret have come from M. H. Calderwood, Eldridge; Charles Carter, Pasadena, Calif.; Frank F. Merriam, Long Beach, Calif.; J. F. Morris, Pasadena, Calif.; and Horace M. Towner, San Juan, Porto Rico.)

A. B. Funk, on behalf of the committee on nomination of officers, made the following report:

President, George M. Titus; vice president, E. C. Roach; secretary, David C. Mott; vice presidents by districts—First, J. O. Cruickshank; Second, O. A. Byington; Third, J. C. Beem; Fourth, R. T. St. John; Fifth, John Lister; Sixth, Perry Engle; Seventh, A. V. Proudfoot; Eighth, F. M. Laird; Ninth, Thomas H. Smith; Tenth, Frederic Larrabee; Eleventh, Robert Hunter. The report was adopted and the above named gentlemen were declared elected for the coming biennium.

It was moved by Mr. Titus and seconded by Mr. Funk that

the appropriations committee of the present session be requested to increase the amount available for the Association's expenses from one hundred dollars to two hundred dollars, which motion carried.

The association then adjourned, the members to assemble at the State House. Some twenty-five of the members lunched together at the State House, after which they with others assembled in the rotunda and at two o'clock they were met by a committee of a joint session of the Forty-third General Assembly and conducted to seats in the House Chamber. Lieutenant Governor McFarlane presided. Representative E. A. Elliott and Senator Joseph R. Frailey welcomed the Pioneer Lawmakers in the following speeches:

SPEECH OF WELCOME

By E. A. ELLIOTT

Mr. President, Members of the Pioneer Lawmakers, Members of the Forty-third General Assembly, and Friends: We who serve in the legislative halls today wish to express to you a hearty greeting and extend to these Pioneer Lawmakers a most cordial welcome. In doing this we are only welcoming you to your own. These halls were yours. To these desks you have a right prior to ours. Long before those who are engaged in active work today had any thought of being your successors you were engaged in the business of making laws for the state of Iowa, and the peace and good order, the happiness and the general prosperity of the people of Iowa are evidences of the fact that you did your work well. And today we point with pride to the laws of our state and to the men who laid the foundation of this commonwealth and enacted the laws that have put Iowa to the front in morality and literacy and those things which go to make a commonwealth really and truly strong and great.

One has said "Show me the laws of a state and I will tell you the quality of its people and its institutions--and show me the people of the state and I will tell you the quality of its laws--for no man is greater than the law." Under the laws of this state were developed such men as Jones, Harlan, Kirkwood, Allison, Dolliver, Cummins and Byers--men lifted up to the emergencies of the time--men who shed luster and honor on territory and state--men such as we have with us as our guests today. Man's greatest work for mankind is to plant that others may reap. He who selfishly gathers to himself the benefit of all he does has not learned the golden rule, or any other rule that responds to the best demands of the world in which he lives.

Pioneer Lawmakers, the work that you did twenty years ago and more still stands, and we are glad to have you with us here today, and

we only ask that we be present to sit at your feet as Paul sat at the feet of Gamaliel to learn words of wisdom. We give you much credit for the progress that has been made along the lines of education of the youth in our state. I was very much interested a few years ago in hearing an old pioneer tell about the limited educational advantages when he was a boy. He said in those days they learned their ABC's in this way: he said the teacher wrote the letter "A" on the blackboard, then he asked the boy what that was. Of course he didn't know. With a slap on the side of the head the teacher said "That is 'A'. * * *"

We sincerely hope that your visits to these halls may long continue—that your presence will always be a benediction—and that finally all may answer to the roll call in the Great Assembly beyond. Again I wish to express a hearty greeting and extend to one and all a most cordial welcome.

SPEECH OF WELCOME

By JOSEPH R. FRAILEY

Members of the Pioneer Lawmakers' Association, and Ladies and Gentlemen: It is my heartfelt privilege and pleasure, and more than that, honor, on behalf of the Senate of the Forty-third General Assembly, to extend to you veterans here a most hearty welcome in our midst. Meetings of this character mean much, not only to this General Assembly, but to the people, and the history of the state. It is well to go back into the past sometimes, and it is indeed a happy occasion when we can have with us the builders of the past who made possible the present. Eighty-three years as history counts time is but an instant in eternity, and yet this state in which we live and of which we are so proud is only just about to celebrate its eighty-third birthday. You men who sit here today with us, former members of the General Assembly, occupied chairs in these two halls in an uncertain and formative period of our history. It is, as it were, that you are the break between the infancy of the state and the commonwealth of today, and I do not think that any place in the history of any state in this Union is there a more romantic history than this. Beginning at the time of the first settlements upon the Ohio, and the Mississippi, with the settlements of Kentucky and Virginia and Pennsylvania, and then a few years later, after the river valleys became dotted with settlements—which are now cities—again back to New England, and the Ohio, and the men and women from Illinois and Indiana, and that procession over this country in the covered wagons into the prairies of the west—until at last the settlement of Iowa was achieved. And today, as a result of that settlement, we have the best and finest love and traditions of any people in this world. * * * No place in this great country of ours is a civilization wrought by that type of people more characteristic than it is in this state of Iowa. You are the men who saw miracles accomplished. The day of log cabins and covered wagons is gone. The day of the early development was yours. And it is from you men, who in your day and

generation laid the foundation of our government and our traditions and ideals, for no government and no ideals and no traditions can long exist unless the corner stone for them has been laid firm and true. You are the men who laid the corner stone. You are the builders of the ark. It is for us to take the torch from your hand and carry on—and then to leave it with credit and luster and honor to those who will follow on. That is what you have accomplished for the state of Iowa, and we are here today to do you honor and to thank you for your accomplishment, and to wish you many more years of health and prosperity and happiness.

The gavel was then turned over to former governor George W. Clarke, who presented as the principal speaker for the association former senator C. H. Van Law.

THE AMERICAN PIONEER

By C. H. VAN LAW

The American Pioneer commands the admiration and merits the appreciation of our civilization for the distinctive contribution he has made in the conquest of a continent and in the upbuilding of a nation of the first order. No difficulties to him were deemed insurmountable, no dangers unnerved him, no hardships deterred him. The comforts of the old established fireside were as dear to him as to any, but the lure of the great, undeveloped lands which lay in the course of the setting suns mastered him and inspired his soul for the conquest of the wilderness, the untilled prairies of a continent teeming with the fertility of a virgin soil and the hidden wealth of its mountain wastes. With the challenge to do for generations yet unborn ringing in his soul, and with freedom in his every action, independence and high purpose possessed him as he sought out the tasks of his day and builded for the future. His masterful character knew no distinction of nationality in his companionship and lay claim to no distinction of class, save in comradeship of task and purpose. His soul had been born beyond the seas. When Abraham dreamed his dreams and turned his face toward the promises of a glowing west in high hope and in quest of a homeland, was the soul of the pioneer brought forth and was its westward way taken up. Since that far-off day has its "westward ho" sung, its vibrant challenge to kindred spirits and lured the courageous beyond seas, over mountain fastnesses, through forests, across desert wastes to the lands of promise, with home and country as its goal, and the satisfaction of achievements attained as its reward.

Through the cycling centuries men have purposed to do, and in doing they have found courage to die. Through the ages have men dreamed and have gone to an early grave in an effort to make their dreams come true. So long as the human heart shall yearn to know, so long shall the will of man dare to enter into the unknown. What of the peril to body if the conquest of the infinite is advanced! What of the domination of

men in high places, if the lowly of earth be exalted! What of the wrack upon the way to liberty if men are but made free! What of the ignominy and ridicule of the pretentious bigot, if the ignorance of the masses be abolished. As, through the ages of darkness and superstition, truth has triumphed over the false, tolerance over intolerance, judgment over passion, fraternity over class prejudice, learning over ignorance; it has been the courage of his soul that has led the way.

In the onward march of the achievements of our civilization, the greed of gain and power have ever and anon winnowed the weak elements from the ranks of men. In the progress of the race the pioneer has ever followed closely the skirmish line of civilization, to become indeed the pioneer of progress. Since the dawn of time, whence men emerged from the mysterious past, the spirit of his genius has led him westward through the cycling ages, and ever to a higher realization of his majesty and power and domain over the resisting environments with which he has contended. Seas and mountains, tempest-tossed and storm-beaten, have baffled the imbecile only to send forth into the wilderness and to far-off lands the courageous and indomitable elements of the race. It has ever been the Trojan spirit, inspired by an unconquerable courage and purpose, that has broken the ties of native land to build in untrammelled freedom institutions under the sway of which man might realize an unfettered liberty. An Aeneas gazes upon the ruins of his native land, and the memory of its departed heroes stirs within him the high and noble purpose to build beyond the seas an empire that will conquer and rule the world. The band of heroes that gathered about him fear not the dangers of the way, and less heed the adversities of fortune. The accident opens to them as the broad gateway of opportunity, a gateway bow-crowned with its promises. Cherishing the traditions of a highborn race, they launch forth to lay the foundations of the seven-hilled city, the mistress of the ancient world.

Ages roll on and from a civilization builded upon the revivals of that magical Roman power, reinforced by the customs of a freedom-loving race—a pilgrim band takes its course in a frail bark to the shores of a new continent and to a larger freedom than man had yet known. As the curtain thus lifted upon a new world the fire of hope burned anew upon the altars of progress and awakened the yearnings of men for a larger freedom and a clearer field. Bewildered by feudal lord to dominance in servitude and a despotism that shackled the conscience as a nightmare, the pioneer souls of men took on a new vision. Pilgrim and Huguenot, Cavalier and Covenanter counted not the costs in hardships and perils of sea, nor privations and dangers of wilderness to seek out the shores of this great continent in quest for a new land and new opportunity. True to the ideals which moved them, inspired them, bade them hold fast and endure, the foothold of a new nation was established on these American shores.

The compact formed within the hold of a lone wanderer of the sea proclaimed in the western world a new political and religious status for

man. Generation upon generation, epoch follows epoch, triumph and defeat, and, at last, triumph. That compact of limited application in a little more than a century and a half—amplified and systematized—had become a great political compact, under the sway of which has arisen the Great Republic of the world, extending its protecting power over a broad continent and to distant islands of the sea until the emblem that symbolizes its sovereignty has become to the races of liberty-seeking men a pillar of fire by night and a pillar of cloud by day. Slowly but surely the scroll unrolls, a nation is born, a people is established and America is a reality. Homes, schools, churches, comfort and solace, tasks and inspiration for the tasks. The American Pioneer has come into his own. It is his crowning achievement, his eternal glory, his lasting reward.

We contemplate broad, expanding, fertile fields, fruitful and bounteous in the service of man, thriving cities and teeming life. Wealth in the establishments of industry, comforts and conveniences in the mechanism of ingenious man; enlightenment for all through schools and universities; sustaining power through the ministries of a gospel of brotherhood, faith and love; liberty and law, guarantees in person and property, freedom of conscience, equality of opportunity and liberty in action. These full-rounded achievements for the supreme happiness of our day and generation have been bought for a price. A heritage that is ours to keep!

Pride in achievement—industrial success—inventions that amaze, and minister to our convenience beyond comprehension and appraisal of value. Triumphs over time and space. Understanding born of learning; happiness in home and community life; aspirations to still further penetrate the mysteries of the Infinite; freedom of thought and action, friendship and tolerance; all for one and one for all; one level of life and opportunity, equality, fraternity, justice.

The American Pioneer has led the way, has championed the cause, has furthered the development and wrought far better than from his humble horizon he may have assumed to dream. His day and succeeding decades have each brought their trophies along the way to lay them in the hand of their successors, to carry on.

Their triumphs come to us as our obligation, their efforts and unstinted sacrifice invoke our pledge of devotion to the responsibilities of our time.

No words of praise can compass the obligation of that pledge. No faltering can answer the call of tomorrow. It remains alone for each succeeding generation of America's children to reflect the fortitude, endurance, high purpose and love of liberty of their ancestry and work out through the succeeding years the works they, the American Pioneers, have so nobly advanced.

Civilizations have hitherto come forth to grandeur, comforts and luxuries, wrought from necessity and frugality. The havoc of indolence and debauchery have worked their ruin, and the abiding places of these

scenes and successes have been succeeded by desolation and despair—their lonely haunts echo through their silent remains the wail of departed glory. The winds of time have scattered the ashes of those who joyed and sorrowed in triumph or defeat. The admonition of their story hangs across the pathway of the generations of men. The cycle of the ages murmurs a warning of the destinies of the nations as empires crumble and pass, and in passing leave only the tracery of their greatness in the processes of the suns.

So long as the vestal fires burned in pristine brightness upon the hearthstone of the Roman home, so long could a Livy write of the achievements of the Roman eagle—symbol of the dominion of the Empire extended from the golden milestone of her Forum to the uttermost parts of the civilized world—so long could the eloquence of a Cicero and the lyrics of a Virgil stir the soul of a nation. But when the putrid vice of a luxurious life wrought its desolation and decay of the home ideals of the nation, her greatness faded and her dominion passed from her. May the admonition of her fate and fortune bear its full measure of significance to the nations of earth in these days of vaunted achievement.

Are we patriotic—do we scan the horizon of the time to discover the storms that may wreck our fortunes and to discover the hidden rocks that may bring disaster to the “charge to keep we have”? Then let the dedication of our lives to the tasks of our time bring to the altar of our country’s service, virtue, love and faith. Virtue in a preserved vigor and resourceful manhood, love in our devotion to duty, and faith in the Providence over all and in all for an abiding good, the doing of righteousness, the establishment of justice and the realization of a worldwide, far flung fraternity of men and nations. In this let the American home, the object of primal devotion of the American Pioneer, be the threshold and harbinger of the nurtured innocence of childhood and the bulwark of a matured manhood. Let the American public school and its accessories, kindergarten and university be the handmaid of enlarged and realized opportunity and progress. Let the institutions of conscience and devotion to sacred ideals be the guide and companion, comforter and inspiration of the lives of men. Then will the American Pioneer have found worthy successors in his posterity and these institutions have served their mission in the guidance and inspiration of a great people to a lasting civilization.

A continent replete with resources, resplendent in the possibilities of service—a people self-controlled and sustained in all things good, meting out to the generations of men as they come and go a happiness earned, a goal of lasting peace.

May the ideals our pioneer fathers cherished be held sacred, the aspirations they nurtured become our inspiration, and the institutions they developed and the industrial progress they achieved become and abide our trust as they are our heritage!

To the American Pioneer we thus pay our tribute of praise and ap-

preciation and accept the commitment of the tasks unfinished, as we seek to carry on. And if we would pay lasting honor to his memory, may such be found in our loyal devotion to his ideals and an unstinted measure of effort in the consummation of his dreams that remain unrealized.

Fortunate our lot who have found home and opportunity within this great mid-continent valley—the scene of so much of the labors of the American Pioneer and within which lies so much of possibility in the onward march of our civilization!

Its countryside and urban centers teem with life, born of the soul of those pioneers who here laid the foundations of our institutions and initiated the fruition of its resources. With loyalty to their unfinished tasks, may we take up the labors of our day and preserve that which they established for good, and carry on to consummation and larger realization that which they so well began. Commonplace things may engage our thought, but let us not overlook the fact that many of these commonplace factors are as they were cardinal elements of strength in the processes of our progress.

The home of our childhood is the anchorage of our manhood. Refinements and luxurious appointments may embellish the place where we live, but such do not and cannot supplant the vitalizing power of the home ties born of affection. Home is the cradle of youth and the comfort of advancing years, within which circle in companionship men and women may build a miniature nation in orderly living and mutual services for time and eternity—a dwelling place where motherhood reigns supreme and where childhood awakens to life's responsibilities. Where mother's kitchen is not limited to the use of a can opener, but where the oft-replenished cooky jar, or a mound of warm, fresh doughnuts extend their invisioned appeal out to the street—to the school ground or to other places of boyhood rendezvous, and draw with magic potency to that home. The anticipated joy, the enraptured shout of realization—mother's larder has not been neglected. "Mother, may I have two?" "Yes, son, you may have two." "Mother, may I have three?" "Now, son, why three?" "Well, mother, Bud is outside—he don't have a mother at home to make cookies for him." "Well, son, take four." Home, home, sweet home! Like bands of steel the cords of affection stretch across the years to bind men to home and mother. And the blessings of mother send her boy across the threshold of her home to bear her generosity and helpfulness to his companions in life and bridge the chasm of human need through his services to his fellow man.

"There's a spot in his heart which no colleen may own,
There's a depth in his soul never sounded or known;
There's a place in his memory, his life, that you fill—
No other can take it—no one ever will."

May God bless the home for which the pioneer toiled and for the protection of which he even dared to die. And may God save to us and for us and for this great nation the home life of the pioneer.

The public school, where the morning roll call makes summons to its precincts of youthful democracy the childhood of succeeding years, and lays the foundations of equality in living and arouses ambitions to achieve, provides a bulwark for liberty and fosters a fitting appreciation of the institutions under which our blessings of life are made secure. In the training of our youth, in the democratic atmosphere of our public schools, lies the assurance of an enlightened citizenship, competent to deal with the problems of state and to promote the enterprises upon which the successes of our industrial and commercial life must rely. That system furnishes a common meeting ground for the citizens of tomorrow and goes far in the erasure of all lines of class distinction. Prejudice there disappears, and self-respect and mutual confidence take their place. The friendships of the classroom and playground extend down through the years as a cement to bind together in one structure the templed citizenship of succeeding generations. Buttressed by these influences, the problems of life and of state find solution in mutual councils in the body politic. Where understanding prevails reason holds sway and judgment is enthroned.

To the public school, then, may we be ever found bringing that loyalty of support which was a dominant reflection in the life of our pioneer fathers. Supplemented by our institutions of higher learning and through their advantages, may there be realized the open door of opportunity, swinging with equal freedom to all; and with an allure-ment to all who would enter upon the larger realizations of life through the training these institutions afford. A training for usefulness, that will command by its results the provisions we are making for the ever-expanding call for enlarged facilities. Never before in our history has the call seemed so urgent, as never before has the need of better equipment for life seemed so necessary. These calls for training merge into the needs and demands of our political and social life and of the industrial world that is never satiated in its urge for conservation of wastes hitherto neglected and of economies and untouched resources hitherto unknown.

With an oncoming citizen body thus nurtured in home and trained in school, our political fortunes and industrial development face a future filled with promises of contribution to human progress and human comfort. Time will not permit the details of achievements which find display in the show window of our industrial activities. Nor would patience endure replete references to the archaic accomplishments of yesterday. The dross and wastes of today await the touch of the discoverer to reveal the sources of wealth and utilities they hold for tomorrow. Our amazement gives way to acceptance as of commonplace, as we turn to greet the announcement of new discoveries in the progress of our times.

These passing comments are but fragments of the possibilities and problems of the great civilization ushered into this western world by the pioneer life of the days that are gone. We do well to contemplate

the prospect they afford and ponder the obligations they impose; to the end that succeeding generations may review the record we may make and find that we, of this day and generation, have neither faltered nor failed in the contribution we may have made to the advancement of a civilization which represents the crowning achievement of a worthy race of pioneer men.

Former representative E. C. Roach was called and spoke as follows:

SPEECH BY E. C. ROACH

Mr. Speaker, Members of the Forty-third General Assembly: When we reflect back over the forty-one and forty-three years that have passed since the people up in Lyon County made the mistake of sending me down here there are many things for contemplation. As the ages go the interests become so complex and complicated that the legislator has a problem before him always. In those times we struggled here with the question of woman suffrage—whether the women of this commonwealth should be allowed to vote at the elections, and objection was made that if they could vote then they would be entitled to hold the offices and become legislators and executives—but now it's a pleasure to greet and congratulate the honorable member from Jackson, who is here laboring with you people. That's progress. That's evolution.

And so we say often that there are too many laws. I think that's true—but with all these various institutions that must be regulated the laws must multiply rather than diminish. There is no other way of regulating the affairs of communities and societies but by legislation—by statute—and it is for the legislator to do the best he can with the things that come before him upon which he must legislate. And then we provide judges and supreme courts to tell the people whether the legislature knew what they were doing when they passed the law.

I thank you very much for the pleasure and the honor of greeting you here this afternoon, and I say to you that you are doing better than we could do, because you have more of the progress and education and enlightenment that has come to you as you come here to perform the duties of the great commonwealth.

Senator Klemme: Mr. President, in looking over this front row of silver haired pioneer lawmakers I find one amongst the group that I served with in the Twenty-eighth and Twenty-ninth general assemblies, and it would be a great pleasure for me to listen to him once more if he is permitted to say a few words before this vast audience. His name I will give later on if he is permitted. The man's name is Van Houten—he's the man I want to hear.

Governor Clarke: I assure you it is the greatest pleasure of the Pioneer Lawmakers to give pleasure to the members of the Forty-third General Assembly, and I am pleased to call on Mr. Van Houten for a five-minute talk.

Mr. Van Houten responded eloquently and was followed by Constant R. Marks of Sioux City, who was a representative in the Thirteenth General Assembly, 1870, their speeches closely following the lines of their addresses delivered during this meeting of the Association and already set out in these proceedings. The joint assembly then adjourned.

TOWN MAKING IN IOWA IN 1837

Town making has become quite a system in the West. So successfully has it been carried on for some time past that numerous small fortunes, and not an inconsiderable number of great ones, have been made at it. The proprietors of Chicago, Alton, Peoria, in Illinois, and Milwaukee and others in Wisconsin Territory, and many in Michigan, Alabama and Mississippi, may be enumerated as belonging to the class of the very fortunate ones. But the day will soon have passed away when money will be amassed in very large quantities by proprietors of new towns in the older of the states above named. The Indian title to some millions of land more, west of the Mississippi and Missouri, must be extinguished—the tide of emigration must roll some hundreds of miles further, and subdue the wide prairie and lay low the forest, and then the town makers and land speculators will be again in their glory.—*The Western Adventurer*, Montrose, Wisconsin Territory (Iowa), August 26, 1837. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

ETHICS INVOLVED IN THE HANDLING OF PERSONAL PAPERS¹

BY EDGAR R. HARLAN

As a rule the product of the pen is the property of the writer. This property may be taken from him only with the knowledge and consent of the producer or his vendee. But the product, when the result of public service is the property of the public, is subject to exclusive public control. Its disposition is for the administrative head of a proper governmental unit. And as the product of a writer who is a public agent is public property, so is that of the agent of a corporation the property of the corporation, and the product of the agent of an individual is the property of his principal. Secrecy in public, quasi public and private relations, is for the election of the principal until such election is affected in a court of competent jurisdiction. The right thus to control follows into all products of the pen until the rights of third persons become involved.

Writings that exist beyond the lives of the writers retain their property character with relative interests of the writer and others. In no jurisdiction or province of ethics is there, actual or implied, a statute of limitations upon this character or quality. The original right of the writer remains and continues after his death.

The writer has not only the absolute and perpetual right of disposition of his product; he has the perpetual protection of the courts and of ethics in this right. But there is a distinction between the *thoughts* included in a writing, *the writing itself*, and *the paper bearing the inscription*.

Productions of the pen in the control of the Historical, Memorial and Art Department of Iowa are literary and scientific manuscripts, or public or personal missives that are usually denominated letters. Literary manuscripts are private in the absence of specific directions of the producer to the contrary, until their delivery for a consideration, or of their publication

¹Read in part at the Des Moines meeting of the Mississippi Valley Historical Association April 26, 1928. Acknowledgments to West Publishing Co., Saint Paul, for legal references.

by printing or otherwise. Copyright of such writings is applied in ethics and in law throughout and beyond the life of the writer.

It was probably Plato, 400 B. C., who first drew the specification of ethical procedure. It was no doubt then an ancient settled principle: "Dealings between man and man require to be suitably regulated. The principle then is very simple. Thou shalt not touch that which is mine, if thou canst help, or remove the least thing which belongs to me without my consent; and may I, being of sound mind, do to others as I would they should do to me." So if we, being honest, would restore to its owner a lost purse, we as trustees should also, remaining honest, restore to a writer the last memento of value, pecuniary or literary.

Repositories of papers whether transmitted to or received by individuals are embraced in both law and ethics. As such custodian the Historical, Memorial and Art Department stands ready to retain and administer any item precisely as the original owner would or should have done, or to return our exotic items to their proper native localities.² There is one condition: The requisitioning administration and repository must be equal in efficiency and permanence, in the judgment of our institution, to that of our own. We voluntarily proceed as a court would probably order.

CUSTODY OF PUBLIC ARCHIVES

As repository and custodian of the public archives of Iowa, the Curator of our institution is by law empowered to possess and control public manuscript materials with the same authority the functionary had under whose hand they originated. Moreover, he is empowered to certify in the same manner and to the same effect as the originating authority. Under seal of the Curator they are admissible in our courts the same as under the seal of the originating office.³ These rights and responsibilities, by the Curator, with the approval of the Board of Trustees, have been extended into our collection of newspapers; of private papers and object materials; of unique and extra valuable books. The purpose of the Curator, in addition to this effort to continue the presumed prudence of originating persons and officials, embraces a record of applications for, and purpose of the use of

²See Annual Report Am. Hist. Soc., 1914, Vol. 1, p. 319; *ibid.*, 325; *ibid.*, 371, Chap. 233, Code of 1927, Sec. 4529, 4530, 4531.

materials, and the applicant's report of service we render. The utility and public value of the collections are thus revealed. These data, carried into the proper catalogue, are growing into a most valuable reference repository. For fuller information the public is referred to a volume by Mr. C. C. Stiles, director of archives, which our institution published in 1928.⁴

PRIVATE ARCHIVES

Among the most delicate and important of our functions is that of handling the manuscript collections of private individuals. These collections have single items in scores, and almost millions in a few instances.⁵ In the absence of a standardized term for such collections we allude to them as private archives. Their potential uses are innumerable, their value incalculable. Each rests in its integrity in the same confidential status it enjoyed under the living hand of its original owner. Many are underlaid by memoranda limiting the uses to which they may be put. In some instances the institution is charged, in general terms, to prevent their use to the damage of anyone, with implied liability on the institution for indiscretion.

There is often an overlapping of public and personal zones. John F. Lacey's file from 1859 to 1913 flows through the life of a student, a soldier, a lawyer, a legislator in the Iowa General Assembly and United States House of Representatives, an active member of the Iowa Grand Army of the Republic, a noble husband and indulgent father. Hence the constant obligations in ethics common to the donor of the Lacey papers, the Curator and the applicant for the use of the materials. They are mutually bound, first by law, next by conditions of deposit, and finally by the ethics of confidential communication.

The more is this true since, of the millions of these private missives, not more than twenty per cent are the production of individuals from whom they were secured. Their own missives, if in existence, are in the repositories of their correspondents. Hence each original owner was bound to regard himself as trustee for the proper use of any one of the letters received, and with us those who may use them are so bound.

⁴Public Archives: A Manual for their Administration in Iowa, 1928.

⁵See appendix for complete alphabetical list of the collections as of April 1, 1929.

There arises the interesting and most vital question, whether a missive in possession, but not the product, for instance, of William B. Allison, was his property or that of the one who composed and transmitted it to him. We are presumed to know all that went through Allison's mind. If he ever granted a request for use of thought written to him did he first obtain the consent of the one who wrote and of the one transmitting it? Did he have or assume the right and responsibility of delivering a missive he received only for his own public or private use? Did he for his own protection, when applied to for use of such material, require to know, so as to judge of the propriety of, the ultimate use? If he was aware of the use intended and approved of it, did he suggest or withhold information of other and like materials in his own repository or elsewhere? Finally, did he exercise his own judgment as to requiring credit to be given or responsibility to be assumed for the use of thoughts not his, for which he was in part responsible, or did he delegate the decision to the applicant? These and many other questions of the rights and privileges of those who produce, those who receive, and those who shall use, arise in every instance of administration of our private archives.

THE LAW OF PRIVATE ARCHIVES

While there is a century of precedents in British and American jurisprudence, determining rights of those who produce, those who privately receive, and those who make use of privately written communications, there are apparently none determining rights or responsibilities of their public custodians. Questions have been determined and judgments rendered in suits between writer and recipient upon many phases of property rights—such as of libel and slander, of implied and expressed sanctity of confidence, of the limitation of time during which transmitted statements remain vital. None seems to alter relations, by the physical transfer of custody to a public repository, confers no authority nor immunity not that of the private recipient.

Scores of questions of common ethics have been determined. To mention in effect, a few: *In England* James Abbott McNeill Whistler, the celebrated artist, having written letters believed to be useful by his biographer, the biographer was forbidden by

Mrs. Whistler to use certain of them. The court held that the biographer was entitled, without express authority, to use the information contained in the letters, but that neither the letters, extracts therefrom, nor paraphrases, might be published.⁶

In *New York* the writer of a letter, whether of a literary character, a familiar, business or other type of communication, retains the sole and exclusive right to publish, and without his consent none might be published by those to whom it was addressed or by any other unless for the vindication of the rights and conduct of the one receiving it. A stranger possessing letters or copies thereof unlawfully, has no right to publish for any purpose whatsoever.⁷

In the same state neither business nor private letters received by an individual and in his hands at his death are held to have a character of assets and, therefore, are not subject to sale or assignment.⁸

In *Massachusetts* an author has an exclusive copyright to his letters unless he unequivocally dedicate them to the public or to some private person, and no one may publish them without his consent except to establish a personal right or to vindicate character. Historians may remember the publication of the Upham *Life of Washington* of 866 pages, where 353 of those pages were copied from Sparks's *Life and Writings of Washington*, 64 pages being official letters of Washington, originally published by Mr. Sparks under contract of the owner from the original papers of Washington. The publication was held to be an invasion of Sparks's copyright.⁹

In the same state it was further held that the right of an author to publish or to suppress publication of his correspondence is absolute in the absence of special considerations and is independent of any desire or intent at the time of the writing. It is an interest in the intangible and impalpable thought and the particular verbal garments in which it has been clothed. Independent of the manuscripts this right involves a right to copy or to secure copies, otherwise the author's right of publication might be lost. The author parts with the physical and material

⁶Philip v Pennell, 2 Chan., (1907) 577.

⁷Woolsey v Judd et al, 11 Howard's Practice Reports, 49.

⁸Eyre v Higbee, 22 Howard's Practice Reports, 198.

⁹Folsom v Marsh (C. C. Dist., Mass.) Fed. cases No. 4901.

elements which are conveyed by and in the envelope. These are given to the receiver. The paper upon which the letter is written belongs to the receiver. A duty of preservation would impose an unreasonable burden in most instances. It is obvious that no such obligation rests upon the receiver, and he may destroy or keep at pleasure. Commonly there must be inferred a right of reading or showing to a more or less limited circle of friends and relatives. But in other instances the very nature of the correspondence may be such as to act as the seal of secrecy upon its contents. Letters of extreme affection and fiduciary communications may come within the class. There may be also a confidential relation existing between the parties, out of which would arise an implied prohibition against any use of the letters, and a breach of such trust might be restrained in equity. He can deal with it as absolute owner subject only to the proprietary rights retained by the author himself and his representatives to the publication or nonpublication of ideas in its particular verbal expression.¹⁰ And it is interesting, if less important to the historian, to extend this principle to enclosures, such as clippings and pictures.

Although it can be said that rules identical with these principles have not been established by the courts in all states, nothing in Iowa is at variance with their trend. Therefore our institution stands in law and in ethics in each case in the shoes of the individual who originally received as well as him who deposited with us the missives. Such discretion as was theirs passed to the Curator under the authority of his Board of Trustees.

As the opinion of no court of last resort seems to have been rendered in our jurisdiction upon the status of a repository such as ours, the points settled having been in litigation as between those who sent and those who received the missives, or their legal representatives, the Curator of the Historical, Memorial and Art Department of Iowa proceeds under the above principles as if he were the original recipient of the private archives. Though in public office, he is a mere trustee of private property bound to decide in each instance upon the merit of each applicant, and

¹⁰Baker v Libby (Mass.) 97 N. E., 109.

to accept the risk of his act. His mode of operating is revealed in the following forms:

RULES AND CONDITIONS

Every request for the privilege to inspect or to use any of these materials will be regarded as a public request and will be granted, as a matter of course, if in litigation the request might be enforced as a matter of right by *subpoena duces tecum*. All other requests will be regarded as private requests.

Each private request to inspect or to use one or more items will be granted, where the applicant is known to the Curator to be capable and responsible, and it is also shown to him that the privilege if granted may promise a creditable addition to historical information.

All requests whether public or private must be in writing, signed by the applicant and, when he is unknown, vouched for by his sponsor, and shall substantially conform to the application required in a court of record for an order to produce books or papers.

EDGAR R. HARLAN,

Curator.

REQUEST

Historical Department of Iowa
Des Moines, Iowa.

Edgar R. Harlan, Curator,

Historical, Memorial and Art Department of Iowa.19...

Sir:—

I respectfully request the privilege of inspecting the personal papers of.....for the years of.....to.....inclusive for the specific purpose of.....

The items will be quoted verbatim, abstracted or adapted and so accredited as you will approve.

I represent the.....and attach hereto my credential therefrom

Also as a private individual I assert my motive and purpose are serious, important and for the public good. I hereby guarantee all uses to be made of the privilege sought shall be free from malice, error and implications tending to offend, slander or libel and I warrant you and the Historical Department that no complaint, action or penalties will ever grow out of the grant of the privilege.

Upon the representation above and solely within their literal terms the privilege asked for is.....

Curator.

The ready co-operation with us under our system by a noted research expert for a forthcoming biography of one of Senator Allison's closest and most powerful associates, illustrates the advantage of our system to that important work. Our rule that we shall see the proof, pass upon the accuracy of quotations and citations, enabled us to offer some thirty vital corrections and amendments. Passing upon the propriety of the quotations we found but a single instance for suggestion, and it was cordially accepted. These points which we checked and certified, amounting to some forty, were cited by the author from many thousands of the Allison letters. One citation only were we unable to verify. The missive referred to could not be found. We attribute that fact to a probable misplacement by some one of the many searchers who have used the collection after this author had completed her search. We are, therefore, in the spirit of our system, obliged to go entirely through the hundreds of thousands of Allison letters in order to supply it or to certify that the item does not remain in the collection.

We have been applied to for the use of our personal archives by historians, economists, attorneys, fiduciary agents and probate officials. None have been unwilling or reticent to comply with our policy. None have complained to us concerning the collections or their administration.

APPENDIX

Alphabetical List of Manuscript Collection in the Historical, Memorial and Art Department of Iowa, as of April 1, 1929.

Abercrombie, John C.	Ankeny, Joseph
Abernethy, Alonzo	Anson, Thomas
Abraham, Lot	Armstrong, Frank
Abrams, J.	Audubon, John James
Adams, Mary Newberry	Avery, William
Aldrich, Charles	Bailey, A. S.
Aldrich, Thomas Bailey	Bailey, Gideon S.
Algona Bee	Baker, Nathaniel B.
Allingham	Baldwin, W. W.
Allison, William Boyd	Baring-Gould
Allyn, Matthew	Barker, H. H.
Amos, Emma	Barker, Noah
Andrews, H. F.	Bartlett, Maro L.
Ankeny, Harriett Louise	Barton, Clara

- Beach, Abel
 Beaumont, Abbey Louisa
 Beck, J. M.
 Beckwith, Zenas and wife
 Beecher, Henry Ward
 Belknap, W. W.
 Benton, Thos. H., Jr.
 Berryhill, Jas. G.
 Birge, Charles P.
 Bloomer, Dexter C.
 Bowers, H. F.
 Bradfield, Adolphus
 Briggs, Ansel
 Briggs, Minerva
 Brigham, Johnson
 Brindley, J. E.
 Briston, Pierson H.
 Bristow, J. E.
 Brockway, E. F.
 Brooks, Phillips
 Brown, Hugh
 Brown, Leonard
 Buddhist Mss.
 Busby, Alice B.
 Bussey, Cyrus
 Byers, S. H. M.
 Cadle, Richard
 Caldwell, Henry Clay
 Callanan, Martha
 Callen, Martin and Jane
 Campbell, William H.
 Carpenter, Cyrus C.
 Casady, P. M.
 Case, A. and Mary
 Catlow, Maria E.
 Chambers, John
 Clark, Charles A.
 Clark, Everett
 Clarke, F. G.
 Clarke, William Penn
 Clarkson, James S.
 Cleveland, Grover
 Clodd, Edward
 Cloutman, Charles C.
 Clute, Oscar
 Cole, C. C.
 Cook, Andrew
 Coppersmith, George
 Coppoc, Barclay
 Coughlan, Richard
 Cousins, Robert G.
 Crabbe, George
 Cratty, R. I.
 Crawford, F. Marion
 Crocker, Marcellus M.
 Croghan, George
 Cummings, H. J. B.
 Cummins, A. B.
 Curtis, E. W.
 Curtis, Samuel R.
 Dahlberg, R. N.
 Dailey, Rebecca
 Davenport, George
 Davis, Edward Cox
 Davis, Jefferson
 Davis, Sarah
 Davis, Varina
 Deemer, Horace E.
 Des Moines City S. S. Shipping Bill
 Des Moines Clearing House Association
 Des Moines East High School
 Des Moines House Register, 1864
 Des Moines Presbyterian Church
 Des Moines Presbytery
 Des Moines River Front Buildings
 Des Moines River Front Improvement
 Des Moines River Land
 Des Moines St. Ambrose Bapt. Reg. 1858
 Des Moines School Census, 1912
 Des Moines Union League (East)
 Des Moines Valley
 Des Moines Valley, R. R.
 Devere, Aubrey
 Devoe, D. D.
 Dilke, Charles
 Dillon, John F.
 Dobson, Austin
 Dodge, A. C.
 Dodge, Grenville M.
 Dodge, Henry
 Dolliver, J. P.

- | | |
|-----------------------------------|----------------------------------|
| Downey, H. D. | Grange Papers |
| Downing, Alexander G. | Granger, Barlow |
| Drake, Francis Marion | Granger, H. F. and "Bert" |
| Drake University | Grant, James |
| Dubuque Clubs | Grant, U. S. |
| Dubuque Conversational Club | Green, H. H. |
| Dubuque Female College | Grier, William H. |
| Dubuque Railway | Griffith, H. H. |
| Dubuque Typographical Union | Grimes, James W. |
| Treasurer's Book | Gue, Benjamin F. |
| Duckworth, John A. | Haeckel, Ernst |
| Duels in Early Times | Hall, James |
| Dutton, Celinda Parker | Hamilton, Edw. J. |
| Dutton, Jerome | Hamilton, W. E. |
| Eaton, A. K. | Hamline, Leonidas L. |
| Edwards, John | Hammond, William A. |
| Ellison, G. D. | Hanford, Cornelius H. |
| Ellwood, J. M. | Harlan, James |
| English, Thomas Dunn | Hartsook, Jas. R. |
| Ericsson, John | Heffelfinger, Jacob |
| Evans, Robley D. | Hempstead, Stephen |
| Evans, W. C. | Henderson, P. P. |
| Felch, Levi | Henry, Archibald R. |
| Field Notes, Indian Treaties | Herriott, F. I. |
| Fleming, William H. | Hill, James L. |
| Ford, Daniel | Hitchcock, E. A. |
| Forman, Samuel S. | Hockersmith, John |
| Foster, C. | Holland, William |
| Foster, John C. | Hough, Emerson |
| Foster, William Davis | Hough, Peter |
| Freeman, Edward A. | Howard, Thomas O. |
| Fugitive Slave, Warrant for | Hubbard, Elbert |
| Fullenwider, Samuel | Hughes, Rupert |
| Fuller, Corydon E. | Huntington, Ida M. |
| Galesburg, Iowa, Church of Christ | Hussey, Tacitus |
| Galland, Washington | Ingham, S. W. |
| Gallitzin, Demetrius Augustine | Iowa Baptist Education |
| Garfield, James A. | Iowa Hall of Fame |
| Garland, Hamlin | Iowa Seal—Territorial and State |
| Garst, Warren | Iowa State Grange |
| Gayarre, Charles | Iowa State Park—The Backbone |
| Gilham, James G. | Ives, S. P. |
| Gillette, C. L. | Jackson, Frank D. |
| Gmelin, Henry C. | Jacobs, Austin and Dyer, Charles |
| Goddard, Ed | James, Henry |
| Gower, Robert | Jewett, Sarah Orne |
| Gowey, Ann | Johnston, Benjamin |

- Jones, Bertrand
 Jones, George W.
 Jordan, J. H.
 Jeuttner, Otto
 Kasson, John A.
 Keck, J. A.
 Keith, Isham
 Kellogg, Harriette S.
 Kempker, J. F.
 Keyes, C. W.
 Killbourne, D. W.
 King, Grace
 Kinney, J. F.
 Kirkwood, Samuel J.
 Knapp, Herman
 Kneeland, Abner
 Lacey, John F.
 Landers, Frank E.
 Lands: Muniments of Title
 Langstroth, L. L.
 Larrabee, William
 Latchaw, J. H.
 Latin Mss. 1619
 Lauman, Jacob Gartner
 Lawrence, George N.
 Lee, George R.
 Leland, Charles Godfrey
 Letcher, John
 Levi, A.
 Lewis, Dwight
 Libby Prison—Letter from
 Lincoln, Abraham
 Lister, John S.
 Lombard University—Program, 1865
 Looby, John H.
 Loughridge, Albert
 Lyon, Robert E.
 McArthur, W. C.
 McClure, George
 McCrary, George W.
 McCreery, J. L.
 Mackay, Wallace E.
 McKean, Thomas J.
 McMaster, John Bach
 McMillan, E. C.
 McNutt, Samuel
 McPherrin, Andrew
 MacVicar, John
 Macy, Jesse
 Malcolm, A. H.
 Manning, Orlando H.
 Maple, William H.
 Marvin House, Reg. 1854
 Mason, Charles
 Matson, Sylvester G.
 Melendy, Peter
 Merrill, Samuel
 Merritt, Darwin
 Mikesell, William
 Miles, Lewis
 Miller, Daniel
 Misc. Papers, singles
 Mitchell, Bennet
 Moore, S. A.
 Moorhead, John
 Morgan, Thomas
 Morris, William
 Mueller, Frederick von
 Muller, Max
 Neuhring, Henry
 Nicolay, John G.
 Noble, John W.
 Nourse, C. C.
 Oneida Conference Seminary
 Ordway, Clarence S.
 O'Reilly, Henry Brooks
 Ormsby, James B.
 Otis, J. M.
 Packard, Stephen B.
 Palmer, Frank W.
 Pammel, L. H.
 Parker, George F.
 Parry, C. C.
 Parsons, Theophilus
 Parvin, T. S.
 Pearman, John W.
 Pearson, Benjamin F.
 Pence, Gabriel and John
 Phillips, William
 Powell, J. R.
 Prairie Club
 Price, Hiram
 Probst, George
 Quick, Herbert

- Randall, James R.
Redfield, James M.
Reed, D. W.
Reid, Harvey
Remey, George C.
Remey, Mary J.
Revolutionary War Mss.
Rice, Samuel
Richards, Seth
Roberts, Alfred
Roosevelt, Theodore
Rosetti, William M.
Ruckman, E. B.
Rush, John W.
Russell, John
Sabin, Henry
Salter, William
Saunders, Charles G.
Savage, William
Savery, Annie M.
Sawvel, Adam
Sayse, A. H.
Schermerhorn, Zella
Schrader, John Jacob
Scott, O. H. P.
Sellers, A. A.
Seward, Wm. H.
Shaffer, Joshua M.
Shaw, Leslie Mortier
Shaw, William Tuckerman
Sherman, Buren R.
Sherman, John
Sherman, William Tecumseh
Silket, Geo. W.
Skinner, T. B.
Smith, Lewis Worthington
Sommers, C. E.
Spaulding, M. C.
Spirit Lake Monument
Spry, Wm.
Stanard, Edward O.
Stanton, E. M.
Stanwood, Harry
Stern, Millicent B.
Stewart, John F.
Stewart, Jos. B.
Stimson, Fancher
Street, A. W.
Street, Jos. H. D.
Street, Jos. M.
Street, W. B.
Summers, Laurel
Swalm, Albert W.
Sweet, B. S.
Taylor, Charles G.
Taylor, Hawkins
Territorial Governors
Tillinghast, B. F.
Todd, John
Tolles, C. W.
Tuttle, James M.
Twombly, Voltaire P.
Tyler, Loren S.
Union League of America
Union League of East Des Moines
United Brethren Church in Christ
United Brethern in Christ
Van Antwerp, V.
Van Hynning, T.
Van Winkle, A. S.
Vattemare, Alexander
Waite, J. L.
Walker, Margaret Coulson
Walker, Warren
Watson, Thomas E.
Weaver, James B.
Weaver, Silas M.
Whitcomb, Selden S.
White, Charles A.
White, Gilbert
Williams, Jesse
Williamson, James A.
Wilson, George
Wilson, James F.
Wilson, Lou
Wilson, Thomas
Wilson, William Duane
Wilson, Woodrow
Winslow, Edward F.
Wright, Carroll
Wright, George G.
Wright, James
Young, Lafayette

CLAIM OF BAZIL GIARD

By EDGAR R. HARLAN

A copy (translation) of the grant made by Lieutenant Governor Trudeau, a copy of the legal process, and a copy of the United States patent to the land, signed by President Van Buren, February 7, 1839, were exhibited at the fifteenth annual meeting of the State Historical Society of Iowa, June 23, 1873, at a commemoration of the two hundredth anniversary of the discovery of Iowa. The patent is the first given by the United States to any land in Iowa. It was sustained by the United States Supreme Court in 1856, against those holding under a "half breed" claim. A similar patent was given to the assigns of Basil Girard (sic) in 1844. These are the only instances in which a land title in Iowa is derived from Spain; in both cases the land fell to creditors of the original grantees.—*Iowa: The First Free State in the Louisiana Purchase*, By William Salter, 1905, p. 47.

We had not seen an authenticated record of the Giard claim before we encountered it in our state archives March 14, 1929. We herewith set out with the enclosures a copy of the certified record.

Recorder's Office,
St. Louis, Missouri, 12th July, 1843.¹

Sir:

I herewith enclose a copy of a letter from the Commr. of the Genl. Land office to me, and a copy of the copy of his letter to E. S. Haines Esq. Surveyor General at Cincinnati, which accompanied it both dated the 21st January 1841, relating to the claim of "Bazil Giard" of 6808½ arpens of land.

As the "separate plat" of that claim spoken of in the Commrs. letter, has not been received at this office; and thinking it probable that the Survey has not been executed, owing to no adequate description thereof having been furnished to the Surveyor General at Cincinnati, or to yourself: I herewith send you a full transcript of the claim as it appears on the books in my office,—excepting that the petition and concession are given in *English*, as translated from the French record thereof in this office,—marked A,—When the Survey is executed, you will be pleased to transmit a certified copy thereof to this office, as directed in the Commrs. letter to Surveyor Genl. Haines.

Very respectfully Sir,
Your Obdt. Servant

To

James Wilson Esq.
Surveyor General
Dubuque, Iowa Territory

F. R. CONWAY,
U. S. Recorder of Land titles
in the State of Missouri.

¹We follow the style of spelling, capitalization, etc., used in the original documents,

General Land Office,
January 21st, 1841

Sir:

Herewith I enclose a copy of my letter of this date to the Surveyor General at Cincinnati, relative to the "Bazil Giard" claim embraced in Recorder Bates' Report of 2d Feby. 1816 (D. Greens Amer. State papers, Vol. 3, p. 293)

If the "Separate plat" has been received by you, or when you may receive it, I request that the Patent Certificate may be issued & returned to this office.

Very Respectfully,
Your Obt. Servant,
(Signed) JAS. WHITCOMB,
Commissioner.

F. R. Conway Esqr.
Recorder of Land Titles
St. Louis,
Missouri.

General Land Office,
January 21st, 1841

Sir:

In my letter of the 16th June 1837, to your predecessor, in reference to the Survey of the "Bazil Giard" claim which is laid down on the plats in this office, of Town 95 Ranges 3 & 4 West of the 5th mer: (Iowa). I requested that he would "forward a particular plat of it, with the field notes to the Recorder of Land Titles at St. Louis, Missouri.

I request that you will inform me whether or not such a "Separate plat" has been sent to the Recorder. If not, that you will be pleased immediately to transmit a certified copy of it to the officer mentioned.

Very respectfully,
Your Obt. Servant,
(Signed) JAS. WHITCOMB,
Commissioner.

E. S. Haines, Esqr.
Surveyor General
Cincinnati
Ohio

"A"

Frederick Bates, Esqr. Recorder of Land Titles in the Territory of Louisiana: Sir: take notice, that Bazil Giard, claims title to a tract of land of six thousand eight hundred eight and half arpents, being equal to one league square, situate in the District of Saint Charles in the Territory of Louisiana, upon the west bank of the Mississippi river, nearly opposite to the Village of Prairie Du Chien, bounded as set

forth in a plat and Survey thereof herewith delivered, claimed in virtue of a Spanish Grant, Cultivation and improvement, and by the laws of Congress in such cases made and provided. St. Louis June 23rd, 1807.

BAZIL GIARD, by his Agent, R. Easton.

TRANSLATION OF PETITION AND CONCESSION

Bazil Giard's petition.—To Charles Dehault Delassus, Lieutenant Colonel of the Spanish troops & Governor of Upper Louisiana and its dependencies, &c &c. Humbly shows that your most obedient servant, the named Bazil Giard, subject of his Catholic Majesty, has since fifteen years, occupied a tract of land, situated about half a league from the river Mississippi, and has constructed buildings thereon, and made considerable expenses to improve the said land—The petitioner, who has a wife and three children, humbly asks from your goodness the concession for the said land, according to the privileges granted to the faithful subjects of his Catholic Majesty; and your petitioner, respectfully requests that you will inform yourself from the Citizens of St. Louis as to his Conduct and Character, since he became a subject of the King of Spain; and he hopes that said information will be such as to justify you in Granting his demand—and your petitioner shall feel it his duty, ever to pray for the preservation of your person. With all consideration and respect, your obedient servant.

Prairie Du Chien, October 15th, 1800.

BAZIL GIARD.

Saint Louis of Illinois, this 20th of November 1800—We Don Charles Dehault Delassus, Lieutenant Colonel of the armies of H. C. M. and Lieutenant Governor of the Western part of Illinois and dependencies &c—In virtue of the satisfactory reports to us made, as to the good conduct of the petitioner, and his fidelity to the Spanish Government since he is settled upon the domain of H. C. M.—do grant his demands, in order that he may peacefully enjoy his property, as well himself as his heirs, until he applies for the concession to my lord the Intendant by handing to us his petition, wherein he shall specify the number of arpens of land, he is settled upon, in order that a regular title may be furnished him, similar to all those which are granted in the name of H. C. M. to his faithful subjects.—And moreover, we recommend to the said petitioner to help with all means in his power, the travellers who should pass at his house, as he has done hitherto—and to preserve a good understanding between the Indian nations and our government, as well as to inform us with the greatest care of all the news which he shall gather, and which could affect the peace and property of our settlements. Done by us, in the Hall of our Government, the day and year as above—in faith whereof we have signed and affixed our seal.

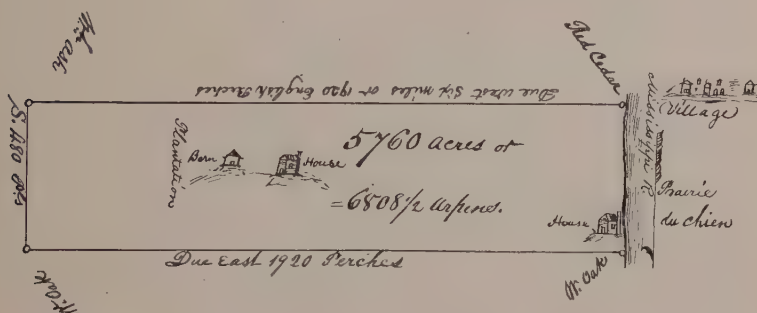
CHARLES D. DELASSUS.

St. Louis, 11th July 1843.

I have correctly translated the foregoing petition and concession from the french record thereof, on pages 517 & 518 of Record book C, in the

office of the United States Recorder of Land Titles in the State of Missouri.

(Signed) ADOLPHE RENARD.



I do certify that the above Plat represents 5760 acres or 6806; arpens of land, being equal to one league square, situate in the Territory of Louisiana and District of St. Charles, on the West bank of the Mississippi river, opposite to the Village of Prairie Du Chien, which I platted at the request of the claimant. 3rd May 1807.

See Record Book C, page 518.

WM. RUSSELL, Sur.

Wednesday, May 25, 1808. Board met pursuant to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose & Frederick Bates.—Transcribed from testimony perpetuated on the rough minutes at a meeting of the Board on the 15th April 1808.

Bazil Giard, by his agent, Rufus Easton, claiming one league square of land situate in the District of St. Charles on the west bank of the Mississippi river nearly opposite the village of Prairie Du Chien—Produces to the Board a notice of said claim dated the 23d June 1807, a Concession from Don Carlos Delassus, Lieutenant Governor of Upper Louisiana, dated the 20th November 1800, by which it appears that said Lieutenant Governor Don Carlos Delassus grants to him such quantity of land as he, claimant, demands in his petition dated 15th October 1800, to wit: such quantity as has heretofore been granted to faithful subjects according to law and usages, and also a Plat representing said claim, dated 3rd May 1807.—Nicholis Boilvin, sworn says that seven years ago he was on the place claimed, that there was then on the place a small cabin and a piece of ground enclosed with a brush fence, about ten acres, that a hired man of Claimants was then residing on the place, and that there was corn and other things growing on the land at same time, that he has known claimant as a trader living at Prairie Du Chien twenty six years.

Pierre Dorion, Senr. sworn, says that in 1796, claimant had a plantation on this side of the river Mississippi, on a Bayou nearly opposite to Prairie Du Chien, which was generally reputed to be the plan-

tation of claimant, that claimant had on the place a House for his farmer, and also had stock on the place saw a crop of corn growing at same time. In the following year deponent was also on said place, which was then cultivated and inhabited by said farmer; that claimant has lived at Prairie Du Chien as a trader since 1779, that claimant has an Indian woman and children, does not know the number, but knows that he, claimant, raised them as his own.

Robert Dickson, sworn says that said land was inhabited and cultivated by some of claimants people ten years ago and ever since, for his use, and that there was a House and Barn on said land, that claimant had at least fifty acres in cultivation eight years ago and ever since, that claimant has never been disturbed in his possession by the Indians around him, that he has heard several Indians say that the land belonged to the claimant, that claimant resides a part of his time on the land claimed, Says that the original petition to the Lieutenant Governor, was written by him, deponent, at the time it bears date.—Laid over for decision.

Board adjourned till friday next nine o'Clock A. M.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE.

See Commissioners minutes book No. 3, pages 200 & 201.

Tuesday, June 5th 1810. Board met.

Present: John B. C. Lucas, Clement B. Penrose and Frederick Bates, Commissioners.

Bazil Geard, claiming one league square of land. See Book No. 3, page 200. It is the opinion of the Board that this claim ought not to be confirmed.

The Board adjourned till tomorrow 3 o'Clock, P. P.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE,
FREDERICK BATES.

See Commrs. minute book No. 4, pages 363 and 366.

Recorder's Office,
St. Louis, Missouri, 11th July, 1843

The foregoing is correctly copied from the book and pages therein referred to on file of record in this office—excepting the petition and concession, which are correctly copied from a translation made from the records in this office, by Adolphe Renard, Esq. Clerk and translator of the French & Spanish languages in the office of the U. S. Surveyor of Public Lands for the States of Illinois & Missouri.

F. R. CONWAY
U. S. Recorder of Land Titles
in the State of Missouri.

Opinions of the Recorder of Land Titles for Missouri terr. as to claims entered under act of 13th June 1812 & proven before 1st Jany, 1814 as provided by the act of the 3d March 1813.—Comprehending also the claims in the late District of Arkansas which by act of 2d Aug: 1813 were permitted to be entered until 1st Jany. 1814, and proven until 1st of July 1814.—Together with the extensions of quantity provided by 4th Sec. of the act of 3d March 1813, and confirmations under the act of 12th April 1814.

Warrant or order of Survey	Survey	Notice to the Recorder by Whom	Quantity Claimed
Con. fr C. D. Delassus, Lt. Gov. 20th Nov. 1800	Special Location	Bazil Giard	6808½ arpens
Where situated	Poss'n. Inhn. & Culn.	Opinions of the Recorder	
Nearly opposite Prairie Du Chien St. Charles	Poss'n, Inhn. & Culn. fr 1796 to 1808	Confirmed — if Indian right extinguished C. p. 517, Rept. 185	

Recorder's Office, St. Louis, Missouri,
10th July 1843.

I certify that the above is correctly copied from book No. 2, page 39 except the caption, which is correctly copied from Book No. 1, page No. 1, being two of the "five small books," with the following endorsement on the first and also on the fifth book, believed to be the hand-writing of Frederick Bates, to wit: "These five small books are originals, in the proper hand-writing of the undersigned, being his decisions on land claims, since the adjournment of the late Board. "They were arranged & fairly transcribed for report to the Commissioner of the General Land Office, but not yet recorded in the books, because they have no authority till sanctioned by Government. St. Louis Nov. 1, 1815.

Frederick Bates. Recorder Land Titles." All on file in this office.

F. R. CONWAY

U. S. Recorder of Land Titles
in the State of Missouri.

ANNALS OF IOWA

EDITORIAL DEPARTMENT

BIOGRAPHY OF GENERAL G. M. DODGE

Perkins, J. R. Trails, Rails and War. The life of General G. M. Dodge: Published under the Auspices of the Historical, Memorial and Art Department of Iowa, Edgar R. Harlan, Curator, 371 p. Indexed. Illustrated. The Bobbs-Merrill Company, Indianapolis, 1929.

This volume results from the bequest of General Grenville M. Dodge of Council Bluffs. His will was executed on February 9, 1911. His death occurred on January 3, 1916, and the will was probated January 15, 1916.

Paragraph Third of the will is as follows:

I give and bequeath to the Historical Department of Iowa, of which E. R. Harlan is at present the Curator, my Army and Civil Commissions and Diplomas and my Army Records, Maps, Photographs and Records and letters of historical interest; also all my Records, Reports, Maps, Plans, Letter-books relating to my profession as Civil Engineer, and especially those relating to the surveys and explorations of the two overland routes to the Pacific Ocean, the Union Pacific and Texas Pacific, both of which are of historical interest; also one copy of the seven typewritten volumes of the compiled and complete records of my life. If the said Historical Department shall determine that the above described documents and records supply data for a publication of public interest or utility and shall arrange for such publication in such manner as shall be approved by my Executors and Trustees, hereinafter named, then in that event, I authorize my said Executors and Trustees to contribute out of my estate towards defraying the cost of preparing and publishing the same, under the auspices of the said Department, a sum not exceeding Five Thousand Dollars, and my Trustees and Executors are also entitled to appropriate out of my estate such sum as their judgment would approve for any suitable monument or memorial to me.

In pursuance of these provisions the trustees of the estate selected as their author of the work the Reverend J. R. Perkins of Council Bluffs.

This selection was approved in due time by our Board of Trustees. Our facilities were tendered to the trustees of the

Dodge estate and to their author for his execution of the work. A full statement of these details is presented in the introduction of his book by Reverend Perkins.

The editor of the *ANNALS* asserts with confidence that there has never been done in Iowa a more delicate, difficult, painstaking and thorough piece of biographical writing than was done on this book. From first to last of his eighty-five years General Dodge produced and preserved the writings and objects forming the evidence of his activities. His achievements were those of a distinguished man. Had he performed in but one of his fields he would have been known and honored beyond the borders of his state. As he was an engineer, a soldier, a financier, a writer, a patriot and a philanthropist, his name is carried high on the roll of distinguished men in all of these fields. In the annals of accomplishment of each of them his counsels are recorded. At vital points in the progress of each the wisdom, daring, fidelity or valor of Grenville M. Dodge is evidenced by his own acts or the testimony of his associates.

From almost a myriad of original Dodge missives, documents, objects and literary products in our perpetual keeping, or from their duplicates, Mr. Perkins has produced with singular success this fine volume. We believe the purposes of the will, the obligation of his estate and of our institution, and the opportunity of Reverend Perkins have been most adequately fulfilled.

The *Madison* (Wisconsin) *Argus* says that the telegraph from Milwaukee to that place has been in operation several months, and during that time it has not been out of working order for a single hour. The line that runs past this place has been out of order nearly half the time, and the *Republican* says that the line east of St. Louis has been out of repair so much during the past winter that it has been almost useless as a means for carrying intelligence.—*The Iowa Statesman*, Fort Madison, Iowa, March 3, 1849. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

NOTABLE DEATHS

JOHN MACVICAR was born in Guelph, Ontario, Canada, July 4, 1859, and died in Des Moines, Iowa, November 15, 1928. His parents were John and Mary (McEwan) MacVicar. In 1868 the family removed to Erie, Pennsylvania. The son attended public school in Guelph and in Erie, and in 1882 removed to Des Moines taking employment with a wall paper company, but soon entering business in that line for himself. In 1884 he married Nettie M. Nash, daughter of the Reverend John A. Nash, noted pioneer preacher and educator of Des Moines. In 1888 he was elected recorder of North Des Moines. Rather than sign certificates for contracts which had not been completed, he was forced to resign, but the next year ran for mayor on the issue and was elected. Before his term as mayor expired, North Des Moines was consolidated with Des Moines. During the next few years he was active in the movement for reduction of public service rates in the city and for the municipal ownership of the water works. In 1896 he was elected mayor of Des Moines on these issues and was re-elected in 1898. By this time he was attaining the national prominence he later reached as an authority on municipal government. In 1897 he was elected president of the League of American Municipalities. Having been defeated for re-election as mayor in 1900 he accepted the secretaryship of the league with his headquarters in New York City, became editor of *American Municipalities*, and devoted his time to the cause of better city government. In 1908 he returned to Des Moines and under the commission form of government was elected commissioner of streets, was re-elected in 1910, but defeated in 1912. In 1916 he was elected again as mayor, but resigned in 1917 and in May, 1917, entered the officers' training camp at Plattsburg, New York, became a captain in the quartermasters' corps, and was honorably discharged March 6, 1919. In 1922 he was elected superintendent of public safety. In 1924 he ran for mayor but was defeated by the then mayor, Carl M. Garver. In 1926 he ran for superintendent of streets, but was defeated by W. F. Mitchell. In 1928 he was elected mayor again. He was the author of many magazine articles on municipal government, made many addresses on the subject throughout the United States, and was regarded as an outstanding authority on city affairs. His public activities were confined to the municipal field, although he had an interest in state and national matters, identified himself with the more progressive wing of the Republican party, had charge of the Cummins-for-president headquarters at the National Convention of 1912, and later in the campaign supported Theodore Roosevelt for election. He was a man of integrity, high ideals, and great courage. His vast collection of printed authorities upon his special subjects and his personal correspondence have been deposited in the Historical, Memorial and Art Department of Iowa.

ARTHUR HENRY DAVISON was born near Blooming Valley, Crawford County, Pennsylvania, March 6, 1857, and died in Des Moines, Iowa, December 1, 1928. Burial was at Rock Rapids, Iowa. His parents were Wesley and Cynthia Amelia (Thompson) Davison. Arthur H. attended common school in the country and in Blooming Valley. In the fall of 1873 he attended State Normal School at Edinboro, Pennsylvania, and for the next six years he alternated between teaching near home, working in creameries, and attending State Normal School, except that one year he spent in Platte County, Nebraska, where he taught, and worked on a farm. In 1879 he was graduated from the State Normal School at Edinboro and in September of that year removed to Rock Rapids, Iowa, where he became principal of the town schools. He occupied that position until the summer of 1881 when he was appointed county superintendent of Lyon County to fill a vacancy. That fall he was elected county superintendent and was re-elected in 1883, serving in that office until January, 1886. In November, 1883, he with Charles Creglow purchased the *Rock Rapids Review* which he edited for about a year as a Republican paper. In 1885 he purchased the *Lyon County Reporter*, a Republican paper, which he published and edited until August, 1887. From 1885 to 1897 he dealt extensively in real estate. In 1893 he was elected representative for Lyon and O'Brien counties, and served in the Twenty-fifth General Assembly. In 1895 he received Lyon County's support for the nomination for state senator, but failed after 1700 ballots. In May, 1896, he was admitted to the Iowa bar but never entered extensively into the practice. For years he was a member of the Rock Rapids School Board, and of the Public Library Board. He removed to Des Moines in December, 1898, and in January, 1899, became secretary of the Executive Council of Iowa. That body had been created but eighteen months and he was its first formally elected secretary. During his tenure and largely by his insistence, the importance of the Council in all matters touching the state's business, was greatly enlarged, and that body became dominant in innumerable details of government. The secretary was of necessity the burden bearer. Every order, contract, bill, voucher, came under his watchful eye; and he formulated and enforced regulations for the transaction of public business consistent with best methods in private business. He was invaluable for his knowledge and industry in those larger responsibilities of the Council in the assessment and taxation of property. He was conscientious and thorough. The hostility he often incurred was a real tribute to his honesty. He was largely responsible for carrying through to the finish, in harmony with the spirit of the legislation, the capitol grounds extension project, and in such way that captious criticism was forever silenced. He devised the section of Iowa law providing that condemnation for state purposes of real estate by a "sheriff jury" selected by the chief justice of the Supreme Court. Nothing suspicious or questionable was ever suggested in connection therewith. It was largely through his insistence that provision was made for an archives

department for preservation of the records of the state. He was ever looking for betterment of methods, always to the end of greater efficiency or better results. He gained the confidence of leading legislators who often consulted him. Governors and other state officials came to rely upon him in many matters effecting the welfare of the state. In a modest way, without thought of himself, free from selfish ambition, Secretary Davison was a useful public servant who blazed a way that will be followed long after his name has been forgotten.—Ora Williams.

DAVID JAMES PALMER was born in Washington County, Pennsylvania, November 15, 1839, and died in Washington, Iowa, November 19, 1928. He was with his parents, Samuel R. and Margaret (Munce) Palmer, in their removals to Carroll County, Ohio, in 1842 and to Washington County, Iowa, in 1856, where they located on a farm near the town of Washington. He attended public school in Ohio and in Iowa, and helped on his father's farm. He attended United Presbyterian College in Washington in 1859 and 1860, and taught school in 1860 and 1861. On July 10, 1861, he enlisted as a private in Company C, Eighth Iowa Infantry, and was promoted to corporal September 9, 1861. On April 6, 1862, at the battle of Shiloh he was severely wounded and left on the field for dead, captured by the enemy, his wounds neglected for two days when in the maneuvers of the battle he found himself as near his comrades as his captors, crawled to the Union lines, where he was cared for, and weeks afterward was sent home. When the Twenty-fifth Iowa Infantry was organized that summer Corporal Palmer, who had organized Company A of that regiment while his arm was in a sling, was elected its captain. He was promoted to lieutenant colonel of the regiment when less than twenty-four years old, June 9, 1863. He was with his regiment, commanding it much of the time, as it was making its great record at Vicksburg, Chattanooga, Atlanta, Columbia, and at the grand review at Washington, and was mustered out June 6, 1865. He then returned home and devoted himself to farming and stock raising. He was elected county auditor of Washington County in 1875 and was re-elected in 1877, serving four years. In 1884 he was elected a presidential elector, running as a Republican. In 1891 he was elected senator and was re-elected in 1895, serving inclusively from the Twenty-fourth to the Twenty-seventh general assemblies. He resigned as senator at the close of the Twenty-seventh and accepted the appointment by Governor Shaw made on March 22, 1898, as a member of the Railroad Commission. By elections he continued in this office until 1915. His farm home was only a few miles from Washington, but the last twenty-five years of his life he and his wife, who was Letitia Helen Young before their marriage in 1866, and who survives him, resided in the city. He was outstandingly useful in church work, in politics, in social life, and in every other useful activity of the community. He was a life-long member of the United Presbyterian church, for over thirty years was superintendent of the Sunday school, and for practically all his

active life was a member of the church choir. Popular with all classes because of his fine personal qualities, he was an especial favorite among his war comrades. As a camp fire speaker he had few equals. He received the highest honor the Grand Army had to bestow, being commander of the Department of Iowa for the year 1907-08, and grand commander of the national organization in 1914-15.

DILLON H. PAYNE was born in Wapello County, Iowa, August 7, 1847, and died in Bloomfield, October 15, 1928. His parents were William E. and Hester Ann (Vinson) Payne. His father died in 1848 and his mother in 1854, after which he lived with relatives. He was graduated in liberal arts from Iowa Wesleyan University (now Iowa Wesleyan College) in 1869. He then read law in the office of James B. Weaver at Bloomfield and was admitted to the bar in 1870. He spent a year in Little Rock, Arkansas, as city reporter on a daily paper, and later as deputy state superintendent of public instruction, but in 1871 returned to Bloomfield and joined with General Weaver in the firm of Weaver & Payne, lawyers. When General Weaver became immersed in politics he withdrew from practice and the firm became Traverse, Payne & Eichelberger. On Traverse and Eichelberger being elected to judgeships Mr. Payne then associated himself with George T. Sowers and on Sowers' death, with T. A. Goodson. In over half a century of active practice he attained honorable distinction and success. He was a life-long member of the Methodist church, was superintendent of the local Methodist Sunday school for over thirty years, was a member of the choir for over sixty years, and was a delegate to two general conferences, in Chicago in 1900 and in Los Angeles in 1904. In his later life he did considerable writing for the local press, especially along historical lines. In 1922 Governor Kendall appointed him a commissioner from Iowa to the World's Centennial Exposition in Rio de Janeiro, Brazil, which he attended. His publications in book form are *Brazilian Letters, Recollections*, and *Pioneer History of Davis County*, the latter being partly a compilation with others. In his earlier years he was a supporter of the Greenback party, and in later years, generally of the Democratic party, although he was not strictly a party man. He was a man of fine influence in his community.

ELDON J. HARTSHORN was born at Lunenburg, Vermont, June 16, 1842, and died in Kensington, Maryland, a suburb of Washington, D. C., January 16, 1926. The following day Mrs. Hartshorn, who was Ella P. Bennett of Lima, New York, before her marriage, suffered a stroke of paralysis and died in a few hours. Their double funeral was held on January 19, and they were buried with military honors in Arlington National Cemetery near Washington. Mr. Hartshorn enlisted in Company E, Fifteenth Regiment Vermont Infantry, in August, 1862, was made orderly sergeant, was promoted to second lieutenant, and was mustered out in 1863. He then enlisted in Company G, Seventeenth

Regiment Vermont Infantry, was made captain and served as such until mustered out in July, 1865. Returning home he entered the law office of his old colonel, Redfield Proctor, of the Fifteenth Regiment, and was admitted to the bar in 1869. In 1870 he removed to Emmetsburg, Iowa, and engaged in the practice of law with George B. McCarty. In 1873 he was elected representative and served in the Fifteenth General Assembly. In 1875 he was elected senator, and was re-elected in 1879, serving in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth general assemblies. In 1885 he was elected county treasurer of Palo Alto County and was re-elected in 1887, serving four years. While county treasurer he was also a member of the Board of Trustees of the State Hospital for Insane at Clarinda. During the sessions of the Fifty-first Congress, 1890-1892, he was at Washington acting as treasurer of the sergeant-at-arms of the House of Representatives. He followed that by some service in the General Land office, but in 1894 returned to Emmetsburg. That year he was elected clerk of the District Court of Palo Alto County and was re-elected in 1896, serving four years. In 1898 he was a candidate for the Republican nomination for auditor of state, but lost to Frank F. Merriam. Soon thereafter he returned to Washington and obtained a position as an assistant attorney in the office of the solicitor of the Department of the Interior, retaining it until his death. He was a man of fine character and of winning personality.

CHARLES H. McNIDER was born in Dubuque, Iowa, February 9, 1860, and died in Mason City, October 30, 1928. His parents were Thomas B. and Anna (Kane) McNider. The family removed to Mason City in 1871. Charles H. attended public school in Dubuque and Mason City, but at an early age began work. He herded cattle, worked on farms, and in grain elevators. In 1875 he took employment as an office boy in the Cerro Gordo County Bank, remained with it and in 1881 when it was organized as the First National Bank became assistant cashier, was advanced to cashier in 1887 and to president in 1895 and continued in that position until his death. He became president of several other banks in smaller towns in the vicinity of Mason City, was president of the Northwestern States Portland Cement Company, and was a moving spirit in practically all the larger business concerns in his part of the state. While still in his thirties he was president of the Iowa Bankers Association. Since then he had many lucrative offers from large financial concerns to take executive positions, but always refused to leave Mason City. He was a member of the Board of Directors of the Federal Reserve Bank, was during the World War director for Iowa of the third and fourth Liberty loans, was county chairman for the Red Cross work, and was in numberless patriotic activities. Interested in politics but not a candidate for public positions, yet he served his city as treasurer for over ten years, was a member of the Mason City School Board many years, was a presidential elector in

1896, and was a delegate to the Republican National Convention in 1916. His contribution to the upbuilding and welfare of his city and state were important.

EDWARD D. CHASSELL was born at Holland Patent, Oneida County, New York, May 25, 1858, and died in Des Moines, Iowa, October 18, 1928. Burial was at Wyoming, Iowa. His parents, William and Frances Jones Chassell, removed with their family to a farm near Iowa Falls, Iowa, in 1867. Edward D. attended country school and began teaching in winters when he was in his teens, working on the farm in summers. He was graduated from the Iowa State Normal School, now the State Teachers College, in 1882, served as principal of schools at Staceyville and at St. Ansgar, Mitchell County, and in 1884 purchased an interest of A. C. Ross in the *Osage News* and became its editor. In 1888 he served the Senate of the Twenty-second General Assembly as second assistant secretary. In the same year he removed to LeMars, purchasing an interest of George H. Ragsdale in the *Le Mars Sentinel* and soon took over the editorship. In 1893 he was elected representative and served in the Twenty-fifth General Assembly. An extensive bindery business was built up in connection with the *Sentinel* and Mr. Chassell was on the road a considerable portion of his time, soliciting for it. In August, 1896, B. F. Ferguson purchased Mr. Ragsdale's interest in the firm. In 1903 Mr. Chassell was again elected representative and served in the Thirtieth and Thirty-first general assemblies. In 1906 the General Assembly elected him state binder and he served from 1907 to 1912. In December, 1916, Governor Clarke appointed him railroad commissioner in place of James H. Wilson, deceased. He served until November, 1917, when he resigned to accept the secretaryship of the Farm Mortgage Banks Association of America, which he held about ten years, when he resigned and gave his attention to his property interests, which were largely in Canada lands. He was a fine character, enterprising, progressive and successful.

BYRON ALLEN BEESON was born in Columbiana County, Ohio, February 26, 1838, and died in Des Moines, Iowa, January 5, 1929. Burial was at Marshalltown. His parents, Samuel and Martha Beeson, removed with their family to Jay County, Indiana, in 1850, to Springdale Township, Cedar County, Iowa, in 1854, and to near Liscomb, Marshall County, in 1855. Byron A. obtained his education in the rural schools that those times afforded, and at an early age began teaching. On July 30, 1861, he enlisted in Company B, Second Iowa Cavalry, re-enlisted March 1, 1864, was promoted to first lieutenant November 22, 1864, and was mustered out September 19, 1865, at Selma, Alabama. He then engaged in farming near Liscomb, but in 1870 entered mercantile business at Liscomb. In 1875 he was appointed county treasurer of Marshall County and by reason of elections served until January, 1884. By this time he had become prominent in the Iowa National Guard,

having reached the rank of captain in 1878, lieutenant colonel in 1879, colonel in 1880, and in 1885 he became brigadier general of the Second Brigade. In October, 1889, he was appointed adjutant general, but in 1890 was elected treasurer of state, and was re-elected in 1892, and served four years. In 1897 he was appointed quartermaster of the Iowa Soldiers' Home at Marshalltown, and served in that position until 1903 when he became treasurer of the southern branch of the National Soldiers' Home at Hampton, Virginia. He returned to the Iowa Soldiers' Home in 1907 as adjutant. He retired in 1915 and removed to Des Moines.

TIMOTHY EMERSON McCURDY was born at Keene, Coshocton County, Ohio, March 2, 1846, and died at the National Soldiers' Home at Danville, Illinois, January 14, 1929, whither he had gone in June, 1928, because of failing health. Burial was in the National Cemetery at Danville. He attended school in New Comerstown, Ohio. He enlisted in the Union Army in Bureau County, Illinois, February 8, 1864, and was assigned to Company J, Twelfth Illinois Infantry, was wounded October 5, 1864, at Allatoona, Georgia, but took part in most of the battles of Sherman's Atlanta campaign. He removed to Buffalo Township, Buchanan County, Iowa, in 1865, and engaged in farming. He was elected a member of the Buchanan County Board of Supervisors in 1879 and was re-elected in 1882. In 1893 he led in organizing the Hazleton State Bank and was elected its president. In 1897 he was elected representative and was re-elected in 1899, serving in the Twenty-seventh and Twenty-eighth general assemblies. In 1902 Governor Cummins appointed him custodian of public buildings and property at Des Moines and he served in that position until 1909. January 22, 1914, Governor Clarke appointed him Capitol Grounds extension representative and he had charge of the removal of the buildings from the extension preparatory to its improvement.

JOSEPH R. RATEKIN was born at Swan Creek, Illinois, December 16, 1845, and died at the National Soldiers' Home at Sawtelle, California, June 9, 1928. He received a common school education, and served during the Civil War in the Eleventh Illinois Cavalry, which was known as Colonel Robert G. Ingersoll's regiment. In 1867 he removed to Fremont County, Iowa, and engaged in farming. In 1884 he was a delegate to the Democratic National Convention. In 1885 President Cleveland appointed him postmaster at Shenandoah, and he served four years. In 1892 Governor Boies appointed him a member of the Board of Commissioners of the Iowa Soldiers' Home, Marshalltown. He became commandant of the Home September 22, 1894, and served until September 28, 1897. In 1892 Governor Boies appointed him a delegate to the Trans-Mississippi Commercial Congress at Denver, Colorado, and in 1895 Governor Jackson appointed him a delegate to the National Convention of Charities and Corrections at New Haven, Connecticut. After

retiring as commandant of the Soldiers' Home he engaged in the seed business at Shenandoah, which he followed for several years, when he retired and removed to southern California.

ERNEST LINCOLN HOGUE was born in Monroe County, Iowa, August 31, 1861, and died in Des Moines December 17, 1928. Burial was at Blencoe. His parents were M. C. and Jane Hogue who removed with their family in 1863 to near Norwalk, Warren County. Ernest received a common school education. In 1885 he removed to Monona County and engaged in farming and livestock raising. In this he was very successful, acquiring some 2,000 acres of land near Blencoe which he and his sons operated. In 1901 he was elected senator in the Monona-Harrison-Crawford District and served in the Twenty-ninth, Thirtieth, and Thirty-first general assemblies. He was a member, and chairman, of the Nebraska-Iowa Boundary Commission from 1921 to 1924, and was Eleventh District member of the Republican State Central Committee from 1924 to July, 1928. In August, 1924, Governor Kendall appointed him director of the budget, and in March, 1927, Governor Hammill reappointed him for a six-year term. He was the first incumbent of that office who was confirmed by the Senate, and ably handled its difficult problems.

JASON H. LOWREY was born at Lacon, Illinois, March 29, 1850, and died in Pasadena, California, March 4, 1922. Burial was in Mountain View Cemetery, Pasadena. He was with his parents in their removal to a farm in Colfax Township, Pocahontas County, Iowa, in 1868. He attended common school in Illinois and after removing to Iowa he became a student in Fort Dodge High School. For a few years he worked on farms in summers and taught school in winters. He was appointed postmaster at Pomeroy by President Arthur and served five years, but in 1886 he entered the banking and real estate business in Pomeroy. For over twenty years he was president of the Pomeroy State Bank, was mayor of Pomeroy five years, and was elected representative in 1903 and re-elected in 1906, serving in the Thirtieth, Thirty-first, and Thirty-second general assemblies. In 1914 he removed to Pasadena, California.

WILFRED PARRIOTT DAWSON was born near Broadhead, Wisconsin, April 2, 1859, and died at Aurelia, Cherokee County, Iowa, October 13, 1928. He was educated in country schools and by home study. He removed to Cherokee County, Iowa, in 1882, where he taught school during winters, farming during summers, for nine years, after which he made farming, stockraising, and horticulture his business. He was elected representative in 1908, and was re-elected in 1910, and again in 1912, serving in the Thirty-third, Thirty-fourth, and Thirty-fifth general assemblies. He was president of the Iowa State Vegetable Growers Association in 1914, was active in the Corn Belt Meat Producers

Association, was a director in the Iowa State Horticultural Society from 1917 to 1921, and again in 1928, and was its president in 1923, and was chairman of the Farm Bureau Legislative Committee for several years. He was one of the organizers of the Square Deal Mutual Hail Insurance Association and was its president at the time of his death. In 1922 he was a candidate for the Republican nomination for Congressman from the Eleventh District, losing to the then incumbent, W. D. Boies, by only 618 in a total of over 36,000 votes cast.

LEVI FRANKLIN POTTER was born in Wauwatosa, Wisconsin, March 27, 1855, and died in Harlan, Iowa, April 8, 1928. His parents were L. B. and Hitty (Wenzel) Potter. His education was obtained in the public schools of his native village and in the colleges of Ripon and Beloit, Wisconsin. He taught school several terms and in 1879 removed to Oakland, Iowa, and became a member of the firm of Caldwell & Potter, general merchants, which later became Potter & DeGraff. In 1884 he sold his interest in the store and bought an interest in the Citizens Bank of Oakland, becoming its cashier, and later its president. He was mayor of Oakland and in 1895 was elected representative, and was re-elected in 1897, serving in the Twenty-sixth, Twenty-sixth Extra, and Twenty-seventh general assemblies, being chairman of the Appropriations Committee of the House in the Twenty-seventh. In 1899 he removed to Harlan, established the First National Bank of Harlan, served as its president, and in 1906 when it was merged with the Shelby County State Bank acted as president of the merged institution until his resignation in 1911. He retained a directorship in both that and the Oakland bank. Besides his banking properties he had other extensive financial interests, one being the ownership of over one thousand acres of Shelby County land. He was a public spirited and progressive citizen, leading in many local enterprises and movements benefitting his community. He was an active Republican and, besides his membership in the General Assembly, was a Ninth District delegate to the Republican National Convention in 1908.

JOHN JOEL DUNNEGAN was born at Mount Nebo, Yadkin County, North Carolina, May 10, 1861, and died in Shenandoah, Iowa, February 7, 1929. Left an orphan when two years old he was bound out and was subjected to the rigors of poverty during his youth, receiving but little schooling. When twelve years old he began his own support, working for four dollars per month. In 1883 he removed to Appanoose County, Iowa, and worked as a section hand. In 1884 he went to Milford, Nebraska, and in 1891 removed to Shenandoah, Iowa. He began there digging wells, but soon engaged in plumbing. In 1893 he secured the contract for constructing waterworks for Shenandoah, after which his progress as a contractor was rapid. In later years he devoted himself to the construction of waterworks, sewers, and paving in cities in many states, having big jobs in Illinois, Indiana, Wisconsin and half a dozen

other states besides Iowa. He was a most useful citizen to his adopted city, leading in its enterprises and benefactions. He was a member of the Shenandoah City Council in 1894 and 1895. He had a rare faculty of making friends. A Democrat in a strong Republican district, he was elected senator in 1910, and gave useful service in the Thirty-fourth and Thirty-fifth general assemblies. He favored every bill introduced during his service which proposed larger cultural opportunity to the youth of Iowa.

JOSEPH A. MILLS was born near Streator, Illinois, December 4, 1855, and died in Nevada, Iowa, June 27, 1928. He was educated in rural schools, removed to Nevada when a young man and took employment first as deputy county auditor, and later as deputy county treasurer. In 1881 he was elected county treasurer and by reason of that and of re-elections, served in that position from January, 1882, until January, 1892. He then entered the Farmers Bank, Nevada, as cashier and served as such until 1928. In 1896 he was an alternate delegate from the Seventh Congressional District to the Republican National Convention in St. Louis. Owing to the absence of C. D. Bevington, who was Seventh District delegate, Mr. Mills acted in his place, and was one of five of the Iowa delegation who voted for the out-and-out gold plank that was finally adopted as part of the platform, the others being A. B. Cummins, James C. Davis, George W. French, and Frank H. Helsel.

ROLLIN J. WILSON was born in Fairfield, Iowa, October 18, 1853, and died in the same city October 23, 1928. His parents were James F. and Mary A. K. (Jewett) Wilson. He attended the public schools of Fairfield, was graduated from the State University of Iowa in 1875, studied law in the office of his father, was admitted to the bar in 1877 and followed the practice of law in his home city throughout his life. He was the first county attorney of Jefferson County under the law providing for such an official, being elected in 1886 and was re-elected in 1888, serving four years. He was for many years the local attorney for the Rock Island and the Burlington railroads. In his later years he was president of the Jefferson County Bar Association. Since 1906 he was president of the First National Bank of Fairfield. He was an ardent temperance man and helped rid his town of saloons, was for years a member of the Library Board, as well as of the School Board, and was a member of the Board of Trustees of Parsons College.

WILL M. NARVIS was born in Muscatine, Iowa, June 10, 1861, and died in that city December 30, 1928. His parents were John and Mary Reuling Narvis. He was early left an orphan, attended public school and in 1879 entered the office of the *Muscatine Journal* as "printers devil." He remained with the *Journal* until 1884 when he became city editor of the *Muscatine Tribune*. When it was sold in 1889 he went

back to the *Journal* as its city editor, advanced to business manager in 1891, and to managing editor in 1894. In 1899 he resigned and devoted himself to the service of the Ancient Order of United Workmen, having been elected grand master workman of Iowa. In 1901 he established the Record Printing Company which became under his direction a prosperous concern. In 1905 he was elected supreme master workman and retained that position until his death, thus closing a remarkable career among large fraternal associations. He was an active Republican, but did not aspire to official political position. He was grand chancellor of the Knights of Pythias of Iowa for the year 1891-92.

ELI EUPIRATES DOTSON was born in Edgar County, Illinois, February 20, 1847, and died in Colfax, Iowa, December 26, 1928. His parents were Charles A. and Miriam (York) Dotson, who removed with their family to Poweshiek Township, Jasper County, Iowa, in 1848. Eli E. attended public school and Grinnell College, taught school several years in the country and later in Colfax. He engaged in farming and stock raising. He removed to Colfax in 1897, was vice president of the First National Bank, was cashier for a time, and was a director at the time of his death. In 1879 he was elected representative and was re-elected in 1881, serving in the Eighteenth and Nineteenth general assemblies.

EDWARD HANFORD KNICKERBOCKER was born near Cedar Rapids, Iowa, November 18, 1855, and died at Fairfax January 8, 1929. His parents were William B. and Sarah M. (Hanford) Knickerbocker. He attended country school, Fairfax High School, and Western College (later, Leander Clarke College, Toledo). He followed farming and stock raising, and became an extensive importer and breeder of Belgian and Percheron horses. He was elected representative in 1916 and was re-elected in 1918 and 1920, serving in the Thirty-seventh, Thirty-eighth, and Thirty-ninth general assemblies. He was a man of integrity and of more than usual courage in his convictions.

DAVID LESTER LYONS was born near Detroit, Michigan, January 13, 1851, and died in Clarion, Iowa, November 20, 1928. When he was four years old his parents with their family removed to Mahaska County, Iowa, and located on land in the northeast part of the county. David L. attended common school and on maturity engaged in farming. In 1885 he was elected representative and served in the Twenty-first General Assembly. In 1892 he removed to Clarion and entered the grain business, but in 1894 took up farming near there. Later he returned to Clarion and operated a dray line, but for the last few years of his life, was retired from active business.

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- Page 182, "C. H. Rhinesmith & Co." should be "C. W. Rhinesmith & Co."
- Page 187, "A. W. Dripps" should be "A. W. Drips."
- Page 219, "E. W. Brody" should be "E. W. Brady."
- Page 394, "Sir Robert" (Cobden) should be "Sir Richard."
- Page 329, "Mrs. Elsie Le Cresley" should be "Mrs. Elsie Le Gresley."
- Page 549, "Edmund H. Nichols" should be "Edmund Nichols."
- Page 586, "E. T. Gault" should be "E. J. Gault."
- Page 599, "J. O. Cruickshank" should be "J. O. Cruikshank."
- Page 153, the name "Helsel" should be "Helsell."
- Page 216, "Theodore Guelch" should be "Theodore Guelich."
- Page 284, "Kate Shelley" should be "Kate Shelly."

